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ISSN 0025-4258

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# MARYLAND

## *Historical Magazine*

VOLUME 101, NO. 2 (SUMMER 2006)

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## *A Summer's Tale*

On the Fourth of July, 1863, Marshall Norton Cook, a young man from upstate New York who was just then a lieutenant with the 8th New York Heavy Artillery encamped on Fort Federal Hill, remarked in a letter to his sister-in-law Julia that "the City was perfectly alive with flags, the Stars & Stripes were floating from almost every window on each side of the street." He neglected to mention that it could not have been otherwise. A day earlier, Major General Robert C. Schenck, a man accomplished in Ohio political circles, well-connected in Washington, and currently commander of the Eighth Army Corps, a job that put him in charge of the city of Baltimore and all Union troops therein, declared that the Fourth of July would be celebrated with exceptional vigor. The news from Gettysburg, a few miles up the pike, and Vicksburg was good, but perhaps too the wounds he had suffered at Second Bull Run were bothering him and Baltimore, with its divided loyalties, was going to come to heel. Schenck declared that all loyal citizens would display the national flag on their homes and businesses. "If there be any spot where it does not appear," he added, "its absence . . . will only prove that patriot hearts do not beat beneath that roof."

Baltimoreans took the hint and that Fourth in Baltimore was glorious indeed. Not only was the city awash in cheerful patriotism, but Schenck helped out by ordering a cannonade at noon. Gunboats in the harbor fired salutes, and Cook's 8th New York fired all thirty-four guns on the hill, from twelve-pounders to earth-shaking columbiads. Some even fired live ammunition at a wooden target placed a mile southeast of the fort (not, thankfully, at the city). Cook's gun crew actually managed to hit the thing, and after a dinner of chicken pie, roast beef, vegetables, ice cream, and blackberries, he and another lieutenant got permission to go out and inspect the damage.

They'd read all about the dreadful effects of artillery shells, but when they reached the target, on a small hill partway to Fort McHenry, they found very little in the way of destruction. Here and there a furrow plowed by a shell, that was all. Then they spotted a prosperous looking farm and concluded "we could make a *raid* on them & the Col[onel] would be non the wiser." They walked up the lane past well-tended fields of oats and wheat, "smoothing down our hair, wiping our noses," until they came to a rickety old barn. Around the corner limped a "hired man," who took one look at them and furiously spluttered that he "should like to know what you was trying to kill in your firing today?"

"No one," said Cook, "why did you ask?"

"One of them d——d shells burst in the orchard. . . . One of the pieces struck the barn & came near killing Mr \_\_\_\_\_ !" the man replied.

Thinking “a miss is as good as a mile,” the two officers followed the fellow to the house, where the family was gathered under the veranda “taking things cool as the weather & excitements of the day would permit.” The family, including a bridal party, related again how the shells had burst around them, and the “man of the House” said he thought perhaps we were firing at him for not deploying the Union flag. Said he sent to the City in the morning after one & the Boy forgot to get one.” After Cook apologized for their carelessness and promised to be more careful in the future, the host invited them to stay for supper. “We of course complied with his request,” Cook confessed, “as our main object in calling was to get supper.”

Baltimore newspapers—those that had not been forced to suspend publication by anxious Union authorities—dutifully described the plenitude of flags and the city’s ostensible patriotism. They did not recount Cook’s adventure, or the fate that would eventually befall him and his regiment, an omission we hope to remedy within the next year, with the help of the Friends of the MdHS Press.

R.I.C.

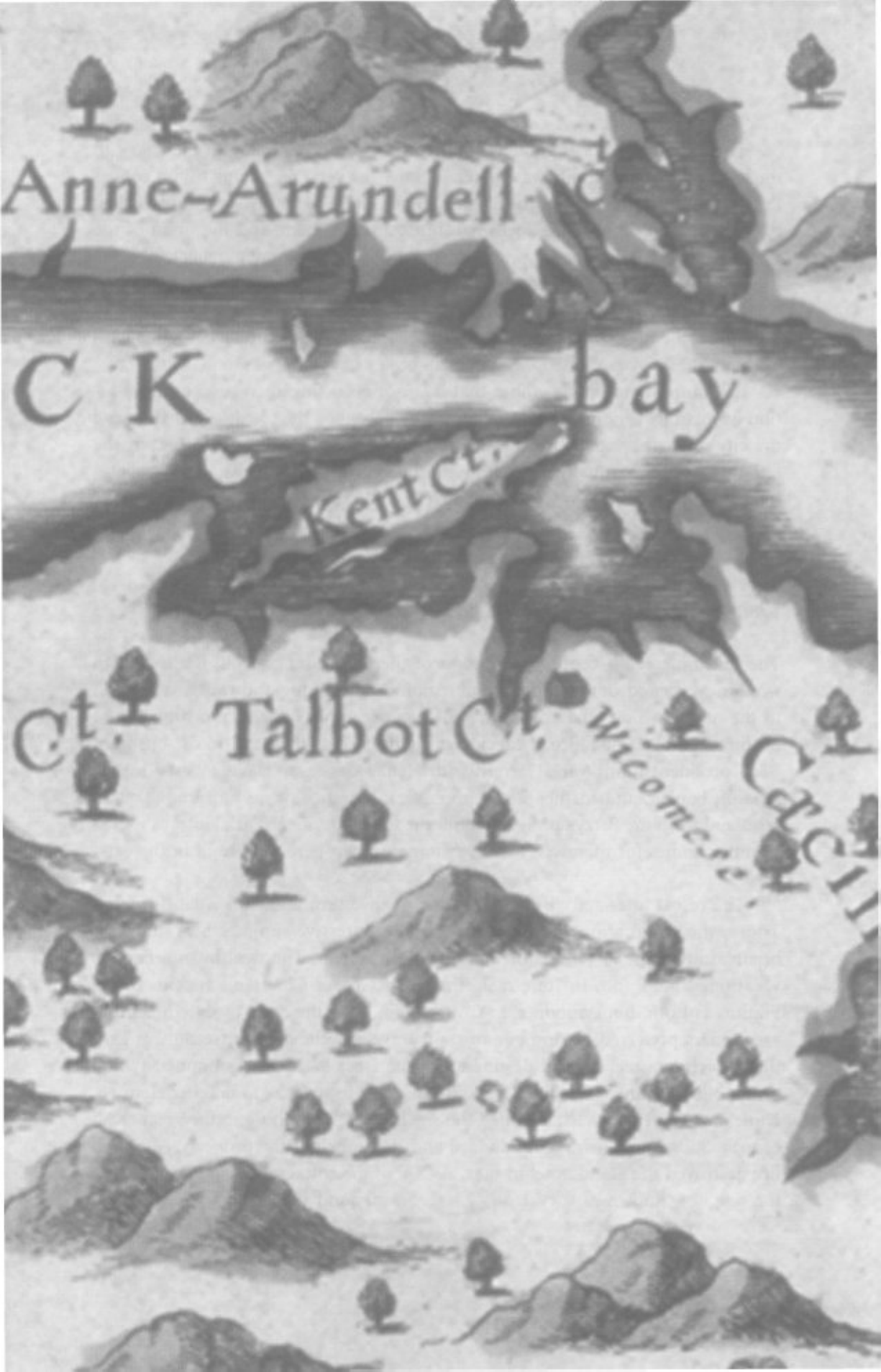
### Cover

## *Deer Park, Garrett County, c. 1900*

The mid-nineteenth-century expansion of the Baltimore & Ohio Railroad into western Maryland initially linked the region’s coal mining and timber resources to the nation’s industrial economy. Within a decade passenger train travel grew profitable and major railroad executives ventured into the hotel resort business. B&O president John Work Garrett, with Henry Gassaway Davis (West Virginia senator, banker, and former B&O employee), bought several hundred acres of farmland from the Perry family and built the four-story Deer Park Hotel as well as summer homes for themselves. (The cottages shown here were built in the early 1870s.)

The resort attracted visitors from the Midwestern and mid-Atlantic states. Those who could afford to leave their cities’ oppressive summer heat, however briefly, sought the airy relief of this mountain retreat. The wealthy and famous vacationed here, too. In June 1886, President Grover Cleveland and his bride, Frances Folsom, honeymooned in Cottage No. 2. By the early twentieth century vacationers preferred automobile to train travel for the greater freedom it gave them to choose recreational destinations. The Deer Park Hotel’s popularity and profitability declined, and the B&O sold the complex in 1924 to hotelier Henry S. Duncan. The new owner renovated the site but lost everything in the great crash of 1929. Subsequent owners subdivided and sold much of the property. Although fire destroyed the grand hotel in 1942, several of the cottages still stand, including the one now known as Cleveland Cottage. (Maryland Historical Society.)

P.D.A.



Anne-Arundell

This is a stylized, hand-drawn map of a coastal region. The map features a large body of water at the top, labeled 'Anne-Arundell'. Below this is a bay labeled 'C K bay'. A river or inlet, labeled 'Kent Ct.', flows into the bay from the left. The land area is divided into several sections, some labeled 'Ct.' (County). A large section in the center is labeled 'Talbot Ct.', and a section to its right is labeled 'Wicomesse'. The map is decorated with numerous small, stylized trees and several large, rounded hills or mountains. The overall style is reminiscent of a historical or decorative map.

C K bay

Kent Ct.

Ct.

Talbot Ct.

Wicomesse

Ct.



# “To go . . . and make peace with him”: Friendship and Community in Seventeenth-Century Kent County

ALEXA SILVER CAWLEY

In January 1656, Kent Island residents John Salter, his wife Jane, and William Price came under public scrutiny when several hogs disappeared. At the monthly County Court meeting, Constable William Elliott and local landowner John Ringgold accused the Salters and Price of hog theft, a serious offense in a community where an individual's wealth was measured in land, livestock, and tobacco, and such a loss could mean the difference between survival and starvation. The disappearance of several hogs in the neighborhood, combined with the sudden appearance of pork in the Salter household, where Price lived, and the common knowledge that the Salters and Price did not own any hogs naturally drew suspicion.

Over the next two court sessions, seven neighbors, including a maidservant, Margaret Balie, testified in the case, contributing varying tales about the source of the Salter pork.<sup>1</sup> John Salter and Price claimed the meat had come from wild hogs. When asked about hog marks typically found on the ears and used to identify the animals, Salter said that dogs had eaten the ears so he could offer no proof that they were wild. Jane Lumbard Salter told Francis Morgan that Widow Bright had given them a pork shoulder because John Salter had helped Matthew Reade kill hogs for the widow. Henry Morgan testified that one day while in the woods with Price, a servant boy, and neighbor Nicholas Pickard, he had heard shots. When Morgan confronted Price, he had admitted shooting a hog. Despite, or perhaps because of, the conflicting testimony, the County Court found Price and Salter guilty of theft. Salter was fined and banned from hunting hogs in the future without “two of his honest neighbors with him at the killing of them.” Because Price had no funds with which to pay a fine, he was ordered to repair Cranie Bridge and to stand in open court with a declaration of his misdeed upon his chest. The court also ordered Price to stop living in the Salter household.<sup>2</sup>

<sup>1</sup> William Hand Browne et al., *Archives of Maryland* (Baltimore: Maryland Historical Society, 1883–1972) Volume 54, “Proceedings of the County Court of Kent (1658–1676), Talbot (1662–1674), and Somerset (1665–1668) Counties” (hereafter *Archives of Maryland: Kent County Court*), 42–43, 50–51.

<sup>2</sup> *Ibid.*, 50–51, 60.

*Professor Cawley teaches American and European history at Delaware State University.*

This story, like many that emerge from the early records of Kent County, reveals much about the complexity of extended relationships within this community, relationships fostered by physical proximity and the various needs of the settlers. For many years the seventeenth-century Chesapeake has been viewed as a nearly lawless place, of plantations scattered along riverbanks, with no towns and no natural community leadership. This pattern combined with settlers' obvious economic motives has led some to conclude that the first English residents of the Chesapeake region were so focused on individual gain through tobacco planting that they sacrificed connections to and relationships with others. In this view they stand in sharp contrast to New England, where English immigrants gathered in family and community groups centered upon a town square with its dominant meetinghouse.<sup>3</sup>

Studies of the colonial Chesapeake too frequently assume that the challenges of seventeenth-century settlement and the resulting instability constitute the whole of the early colonial experience, or most of it. When compared with the development of economic, political, and social stability in the eighteenth century, seventeenth-century communities appear weak, unstructured, and scattered.<sup>4</sup> Peopled largely

<sup>3</sup> Jack P. Greene effectively established the Chesapeake as the most representative model of British continental colonial settlement. Greene cited economic goals as the primary motivation to immigration, and described the seventeenth-century experience as "simplified and inchoate," in a state of "chronic competitive disarray," and a place where the "reckless and single-minded pursuits of individual gain became the central animating impulse and the chief social determinant." See *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill: The University of North Carolina Press, 1988), 10, 98.

<sup>4</sup> Eighteenth-century studies celebrating the creation of a mature colonial society abound. Early studies focused on the gradual stabilization of the population with growth from natural increase rather than a dependence on continued immigration. With the creation of a "creole" population came an established elite who could draw on their wealth and extensive web of extended kinship groups in order to establish economic, social, and political dominance. This elite is credited with the continued prosperity and extraordinary economic growth of the eighteenth century as well as with the consolidation of power and establishment of a mature colonial society. The "anglicization" of colonial society, i.e., their importation of British goods, customs, and values, and creation of institutions such as schools, libraries, universities, and social clubs, is cited as proof that, unlike their seventeenth-century predecessors, they were committed to the growth of the community at large. Greene writes that the eighteenth-century elite, "... learned to sublimate the drive toward personal aggrandizement and the impulse toward anarchic individualism that had been so powerfully evident among their seventeenth-century ancestors." *Pursuits of Happiness*, 93. Thorough analysis of the contributions of the eighteenth-century elite can be found in Jan Lewis, *The pursuit of happiness: family and values in Jefferson's Virginia*; David Curtis Skaggs, *Roots of Maryland Democracy, 1753-1776* (Westport, Ct.: Greenwood Press, 1973); Allan Kulikoff, "The Colonial Chesapeake: Seedbed of Antebellum Southern Culture," *Journal of Southern History*, 45 (1979): 513-40; Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press, 1964); Aubrey C. Land, "Economic Behavior in a Planting Society: The Eighteenth-Century Chesapeake," *Journal of Southern History*, 33 (1967): 467-85; Paul G. E. Clemens, *The Atlantic Economy and Colonial Maryland's Eastern Shore: From Tobacco to Grain* (Ithaca: Cornell University Press, 1980); Allan Kulikoff, "The Economic Growth of the Eighteenth-Century Chesapeake Colonies," *Journal of Economic History*, 39

by single men, many of whom struggled to form families and suffered high mortality rates, seventeenth-century communities seem to bear little resemblance to a "community" at all.<sup>5</sup> The seventeenth-century settler was a pioneer, not simply because he (or she) had decided to try life across the Atlantic, or because carving farms out of the forest required tremendous effort, but because he and his neighbors laid the groundwork for a society that would flourish in the eighteenth century. Kent County settlers brought with them from England practical knowledge and persistent ideas about culture and community. Although they certainly attempted to implement those ideas, it was through creativity, adaptability, and persistence that they molded their fledgling community into a coherent whole. The early settlements may have lacked the generational depth, extended families, and social stratification of their eighteenth-century counterparts, but a close examination of seventeenth-century Kent County reveals a stable, vibrant society rife with interpersonal connections within the household and throughout the larger community.<sup>6</sup>

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(1979): 275–81; Carville V. Earle and Ronald Hoffman, "Staple Crops and Urban Development in the Eighteenth-Century South," *Perspectives in American History*, 10 (1976): 28–31; Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth-Century Chesapeake Society* (Ithaca: Cornell University Press, 1980); Joseph A. Ernst and H. Roy Merrens, "'Camden's turrets pierce the skies!' The Urban Process in the Southern Colonies during the Eighteenth Century," *William and Mary Quarterly*, 3d ser., 30 (1973): 549–74; Aubrey C. Land, "Economic Base and Social Structure: The Northern Chesapeake in the Eighteenth Century," *William and Mary Quarterly*, 25 (1965): 639–54; Rhys Isaac, *The Transformation of Virginia: 1740–1790* (Chapel Hill: University of North Carolina Press, 1982); Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1660–1800* (Chapel Hill: University of North Carolina Press, 1986); Bernard Bailyn, "Politics and Social Structure in Virginia," in *Seventeenth-Century America: Essays in Colonial History* (Williamsburg: Institute for Early American History and Culture, 1959); Lois Green Carr, Russell R. Menard and Lorena S. Walsh, *Robert Cole's World: Agriculture and Society in Early Maryland*. (Chapel Hill: University of North Carolina Press, 1991); Trevor Burnard, *Creole Gentlemen: The Maryland Elite* (New York: Routledge, 2002).

<sup>5</sup> Considerable debate exists about the accuracy of population estimates for the early period of settlement primarily because of a lack of accurate records. Head rights and land grants are the most popular methods of estimating immigration rates, although by the end of the century shipping records in England and the colonies provided more accurate detail. See Russell R. Menard, "Immigrants and their Increase: The Process of Population Growth in Early Colonial Maryland" in *Law, Society, and Politics in Early Maryland*, Aubrey C. Land, Lois Green Carr, and Edward Papenfuse, eds. (Baltimore: John Hopkins University Press, 1977), 88–110; Menard, "The Growth of Population in the Chesapeake Colonies: A Comment," *Explorations in Economic History*, 18 (1981): 399–410; Menard, "Immigration to the Chesapeake Colonies in the Seventeenth Century: A Review Essay," *Maryland Historical Magazine*, 68 (1973): 323–29; Terry L. Anderson and Robert Paul Thomas, "The Growth of Population and Labor Force in the 17th Century Chesapeake," *Explorations in Economic History*, 15 (1978): 290–312. For studies of mortality and its impact on family see Daniel Blake Smith, "Chesapeake Mortality and Family" *Journal of Interdisciplinary History*, 8 (1978): 403–27; Lorena Walsh and Russell R. Menard, "Death in the Chesapeake: Two Life Tables for Men in Early Colonial Maryland," *Maryland Historical Magazine*, 59 (1974): 211–27; Darrett B. Rutman and Anita H. Rutman, "'Now-Wives and Sons-in-Law': Parental Death in a Seventeenth-Century Virginia County," in *The Chesapeake in the Seventeenth Century*, 153–82.

<sup>6</sup> Patricia E. Horne's 1973 doctoral dissertation in sociology focused upon the settlement and

The Salter hog theft case illuminates how individuals and households connected with one another in simple acts of daily life, such as the maintenance and slaughter of livestock and the sharing of food. The frequency with which women visited one another's households becomes apparent, as do unspoken rules regarding hunting in a community where livestock roamed freely through the woods and onto others' lands. The watchful presence of indentured servants is apparent in maidservant Margaret Balie's testimony concerning the conversation between her mistress and Jane Salter and the servant boy who accompanied Henry Morgan into the woods with William Price and Nicholas Pickard.

The connections among these individuals were not unique. Settlers on Kent Island, like other newcomers to the Chesapeake, faced a harsh environment that resulted in high mortality and population instability. Yet studies of the early Chesapeake fail to address the fact that the same high mortality rates also fostered an adaptable and creative community of people who worked together to ensure their mutual survival. Kent Island records show a continuity in the population, continuity in leadership, and colonists who bound themselves to one another in myriad ways. Together with its importance in understanding the structure and stability of this community, the Salter hog theft story also illuminates formal and informal methods of enforcing the rules necessary for co-existence.

Before Price and the Salters landed in court to answer for their actions, they were queried by several neighbors. Mrs. Morgan questioned the wisdom of casting the Widow Bright's hog's guts into the creek—unnecessarily wasting the useful fat—after Matthew Reade killed it, but Mrs. Salter insisted in her defense that, "ay bee God he did." More impressive and reflective of community mores was Henry Morgan's urging William Price to confess his misdeed to the hog's suspected owner, Thomas South, saying it "was Price's best course to go to South and make his peace with him."<sup>7</sup> Henry Morgan's effort demonstrates that colonists were willing to settle their differences without the court's involvement, though Morgan's stature as a former county commissioner may have influenced his choice of action and given him reason to believe he would be an effective moral mediator. In that effort he failed, for Price did not heed Morgan's advice and repeated offenses soon landed him in court with the Salters. That several members of the community commented on the matter shows the knowledge these settlers had of their neighbors' daily lives.

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development of organizational structure in Kent County between 1650 and 1800. She contended that the Kent County settlement could not legitimately be called a community "until at least several organizations are present." The organizations she cited in particular were churches and schools, although she characterized the first stage of development with organizational structures such as the family and the county court. Patricia E. Horne, "The Organizational Development of Kent County, Maryland: 1650-1800" (Ph.D. diss. University of North Carolina, 1973).

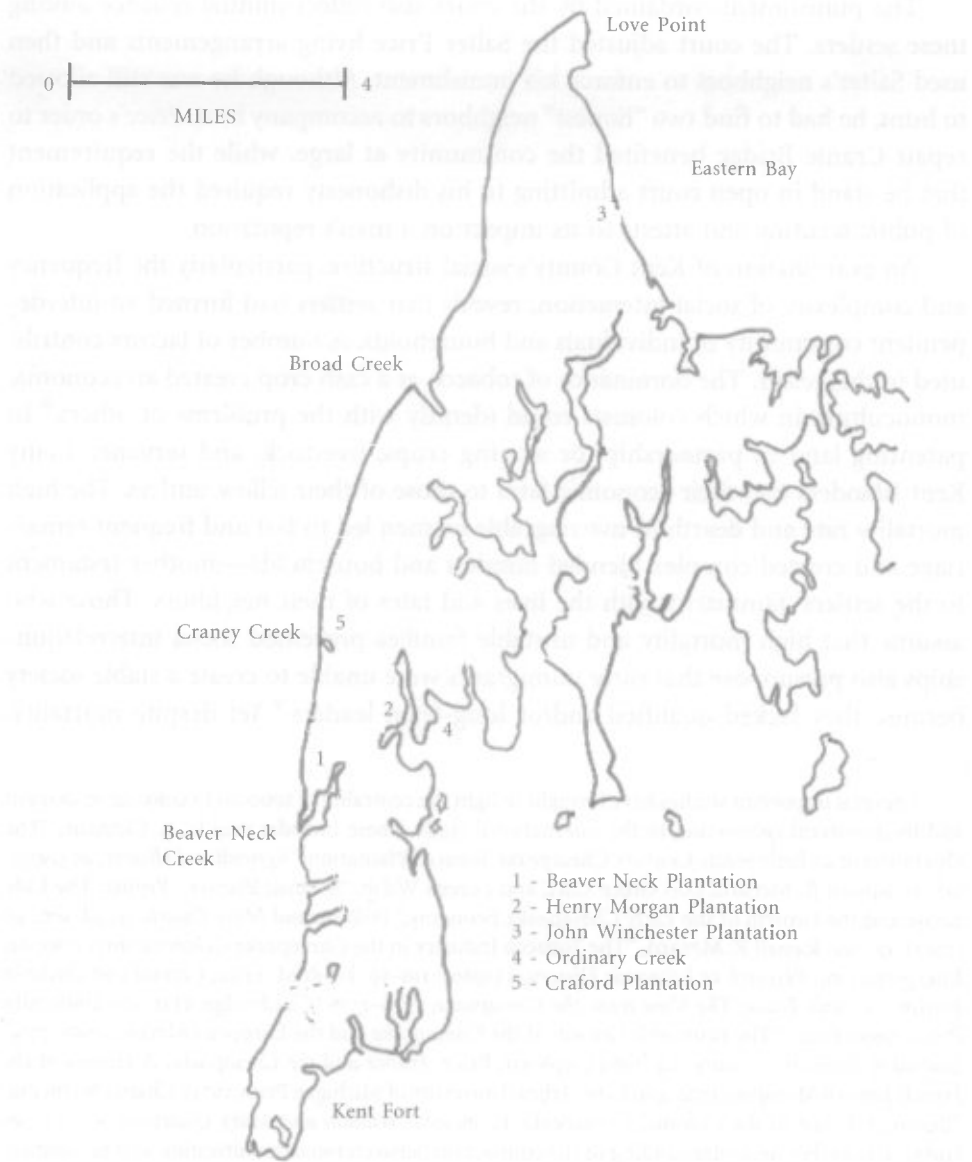
<sup>7</sup> *Archives of Maryland: Kent County Court*, 50-51.

The punishments ordained by the court also reflect mutual reliance among these settlers. The court adjusted the Salter-Price living arrangements and then used Salter's neighbors to enforce his punishment. Although he was still allowed to hunt, he had to find two "honest" neighbors to accompany him. Price's order to repair Cranie Bridge benefited the community at large, while the requirement that he stand in open court admitting to his dishonesty required the application of public scrutiny and attests to its impact on a man's reputation.

An examination of Kent County's social structure, particularly the frequency and complexity of social interaction, reveals that settlers had formed an interdependent community of individuals and households. A number of factors contributed to this result. The dominance of tobacco as a cash crop created an economic monoculture in which colonists could identify with the problems of others.<sup>8</sup> In patenting land in partnership, or sharing crops, livestock, and servants, many Kent Islanders tied their economic fates to those of their fellow settlers. The high mortality rate and dearth of marriageable women led to fast and frequent remarriage and created complex blended families and households—another testament to the settlers' familiarity with the lives and fates of their neighbors. Those who assume that high mortality and unstable families prevented social interrelationships also presuppose that early immigrants were unable to create a stable society because they lacked qualified and/or long-term leaders.<sup>9</sup> Yet despite mortality,

<sup>8</sup> Several important studies have brought to light the centrality of tobacco to colonial settlement and its important connection to the international trade. These include: Paul G. E. Clemens, "The Operation of an Eighteenth-Century Chesapeake Tobacco Plantation," *Agricultural History*, 49 (1975): 517–31; Russell R. Menard, Lois Green Carr, and Lorena Walsh, "A Small Planter's Profits: The Cole Estate and the Growth of the Early Chesapeake Economy," *William and Mary Quarterly*, 3d. ser., 40 (1983): 171–96; Russell R. Menard, "The Tobacco Industry in the Chesapeake Colonies, 1617–1730: An Interpretation," *Research in Economic History*, 5 (1980): 110–56; Jacob M. Price, *Capital and Credit in British Overseas Trade: The View from the Chesapeake, 1770–1776* (Cambridge: Harvard University Press, 1980); Price, "The Economic Growth of the Chesapeake and the European Market, 1697–1775," *Journal of Economic History*, 24 (1964): 496–511; Price, *France and the Chesapeake: A History of the French Tobacco Monopoly, 1674–1791* (Ann Arbor: University of Michigan Press, 1973); Charles Wetherall, "Boom and Bust in the Colonial Chesapeake Economy," *William and Mary Quarterly*, 3d. ser., 40 (1983): 171–96. For an understanding of the connection between tobacco cultivation and population growth see Russell R. Menard, "Population, Economy and Society in Seventeenth-Century Maryland, +=," *Maryland Historical Magazine*, 79 (1984): 71–92; Anderson and Thomas, "Growth of Population and Labor Force in the Seventeenth-Century Chesapeake," 290–312; Clemens, "The Operation of an Eighteenth-Century Chesapeake Tobacco Plantation"; Gloria Main, *Tobacco Colony: Life in Early Maryland, 1650–1720* (Princeton: Princeton University Press, 1982); Menard, Carr, and Walsh, "A Small Planter's Profits."

<sup>9</sup> The view that Chesapeake communities lacked political social stability emerges from the slow formation of towns in the early Chesapeake. Lack of continuity in population and the inability to create a creole elite with multigenerational depth is also cited as central to the problem of stability. Studies include Timothy H. Breen, "Looking Out for Number One: Conflicting Cultural Values in Early Seventeenth-Century Virginia," *South Atlantic Quarterly*, 78 (1979): 342–60; James O'Mara "Town Founding in Seventeenth-Century North America: Jamestown in Virginia" *Journal of Histori-*



*Map of the area in which the Salter/Price Hog Theft Case occurred. (The Author.)*

mobility, and flexible households, the records of Kent County show continuity in population and leadership. County records also reveal the extent to which settlers were involved in their neighbors' daily lives and the methods they employed to ensure peaceful coexistence. Combining these details with the continuity and

persistence of portions of the population, we can see that the Kent County community was not isolated, scattered, or incoherent, but a community of individuals and households who relied upon one another in myriad ways. The records show, too, that tension and discord were not unknown.

### Longevity and Leadership

One useful means by which to gauge social coherence and continuity is to consider the longevity of membership in the community. What becomes clear in Kent County is that, although death was common, a core population lived on Kent Island for many years, and most of those settlers lived in close proximity to their neighbors. As settlement spread inland, many early settlers patented additional lands on the mainland peninsula, as did newcomers to the county. In the roughly forty years under consideration here, 1637–76, many settlers lived in the community for long periods.<sup>10</sup> At least five colonists who came to the colony in the 1630s still lived on Kent Island in the 1650s.<sup>11</sup> Eleven men who migrated to Kent Island in the 1640s lived in the colony through the 1650s and several to the end of the period and beyond.<sup>12</sup> The 1650s saw an even larger influx of long-term settlers. Of forty-one identifiable men who migrated to Kent County during this decade, twenty-nine were still present in the 1670s.<sup>13</sup> At least twenty-five of them produced

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*cal Geography*, 8 (1982): 1–11; Jon Kukla, "Order and Chaos in Early America: Political and Social Stability in Pre-Restoration Virginia," *American Historical Review*, 109 (1985): 275–99; John C. Rainbolt, "The Absence of Towns in Seventeenth Century Virginia," *Journal of Southern History*, 25 (1969): 343–60; Lois Green Carr, "The Development of the Maryland's Orphans' Court 1654–1715" in *Law, Society and Politics in Early Maryland*, 41–62; Lois Green Carr and David W. Jordan, *Maryland's Revolution of Government 1689–1692* (Ithaca: Cornell University Press, 1974); Alan F. Day, "Lawyers in Colonial Maryland, 1660–1715," *American Journal of Legal History*, 17 (1973): 145–64; A. G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture 1680–1810* (Chapel Hill: University of North Carolina Press, 1981).

<sup>10</sup> The data for this essay are drawn from Alexa Silver Cawley, "Household and Community: Kent County Maryland 1631–1676" (Ph.D. diss., American University, 2004). The beginning date reflects the year in which William Claiborne arrived on Kent Island to establish a trading post. The closing date reflects the end date for the first set of Kent County Court records as transcribed by William Hand Browne. Although the Kent County Court records are among the most complete for the earliest years of settlement, some gaps do exist and thus quantitative analysis is faulty at best. The Kent County records are available for the period 1648–1676 with three significant gaps totaling eleven years. There is a gap from February to December 1660 during the period of Fendall's Rebellion, from 1662 to 1667, and from 1672 to 1675. The records for the 1650s are the most complete for any of Maryland's early settlements.

<sup>11</sup> These include John Abbott, Roger Baxter, Thomas Belcher, Francis Brookes, and John Russell.

<sup>12</sup> These include Thomas Bradnox, Henry Clay, Philip Conner, Robert Dunn, William Jones, Thomas Marsh, Henry Morgan, Robert Vaughan, and John Winchester. Conner and Vaughan were commanders.

<sup>13</sup> Thomas Baxter, Marke Benton, Richard Blunt, Nicholas Bradway, Thomas Bright, Edward and Edmund Burton, Anthony Callaway, Henry Carline, Thomas Cole, Edward Coppedge, Henry Coursey, John Dabb, William Davies, John Deare, William Dowland, William Elliott, John Elisse, William

children who remained in the colony. These men and their families did not live isolated lives removed from their neighbors. Their involvement with one another can be found in economic interaction and exchange, social connections and activities, and familial bonds.

In the Salter hog theft case, at least six different households are mentioned—the Salters, Winchesters, Morgans, Reades, Souths, and Brights. Several of them can be located on the island, showing their proximity. While Salter and South were co-partners on the disputed Beaver Neck plantation on the southwestern side of the island (#1), Salter and Price probably lived at Craford plantation two miles to the north (#5). Henry Morgan lived just east of Beaver Neck (#2), but John Winchester's plantation lay on the far side of the island eight miles to the northeast (#3).<sup>14</sup> According to Jane Salter, Mathew Reade killed the Widow Bright's sow at Ordinary Creek, at the top of Piney's Bay (#4). Many of the characters were familiar with one another, since most had lived in the community for some time. Mrs. Crouch, John and Jane Lumbard Salter, Henry Morgan, John Winchester, Nicholas Pickard, and Thomas South had lived in the community since the 1640s. Other principal settlers such as William Price, Thomas Ringgold, and William Elliott had lived on Kent Island for at least five years.

An important measure of continuity and stability in the county revolves around leadership in the settlement. The seat of power lay in St. Mary's, where the proprietor and governor controlled the colony in this early period and the Assembly established the formal rules governing the settlement, but demographic realities required that communities monitor their own population, and create their own methods of enforcement, to encourage social stability.<sup>15</sup> The Kent County

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Grainger, Hance Hanson, William Hemsley, Henry Gott, Thomas Hill, Thomas Hynson, Edward Hull, John Meconnicon, Robert Martin, Thomas Osbourne, Nicholas Pickard, Mathew and Thomas Reade, Thomas Ringgold, Edward Rogers, Thomas South, Oliver Sprye, Charles Stuard, Thomas Taylor, Alexander Thourson, John Wedge, Joseph Wickes, and Morgan Williams.

<sup>14</sup> John Winchester may have lived somewhere on the western side of the island, because his presence is noted for at least three years before he purchased "Winchester" on the northeastern side of the island facing Eastern Bay.

<sup>15</sup> One could dispute whether the rules of behavior were handed down from the General Assembly or established first in the community, but reporting and prosecuting inappropriate behavior was a local decision and thus reflective of community values. In Kent County the institutional form of that authority lay in the County Court and the local Commander, with appeals to the Admiralty and/or Provincial Court where discrepancies arose. The County Court's duties were equivalent to those of the Kings Court of Common Law in England, specifying that the County Court should attend to all civil matters, recovery of inheritances, matrimonial matters, and all crimes except felony and treason, which were tried in the Provincial Court. "An act for the liberties of the people," which included freemen of the Province who were Christians but not slaves, stated that those freemen, "Shall have and enjoy such rights liberties immunities priveledges and free customs within this Province as any naturall born subject of England hath or ought to have or enjoy in the Realm of England by force or vertue of the common law or Statute Law of England." Brown et al., *Archives of Maryland*, Volume 1: "Proceedings and Acts of the General Assembly," 97 (hereafter *Archives of Maryland: General Assembly*), 41.



Court, appointed by the proprietor, was given the authority to attend to all civil and criminal matters except felony and treason. In the absence of an established church and ecclesiastical courts, the county court became the effective arbiter of social and moral behavior. It also served to regulate economic activity, for it witnessed land, crop, and cattle sales, recorded debts, and legitimized contracts. The Salter/Price hog theft case demonstrates that the court relied on the larger community as a witness to behavior and an effective aid in punishment.

Official leadership in Kent County was confined to a relatively small group of men who held positions of authority for many years. At the ninety-four documented court meetings between 1647 and 1676, only thirty-two men served in the position of county commissioner, many for extended periods of time.<sup>16</sup> Philip Conner, commander from 1655 to 1658, attended almost every recorded court meeting between 1647 and 1660. During the 1650s, for which there are very complete records for the second half of the decade, Conner served with a small group that included Joseph Wickes, Henry Morgan, Thomas Hinson, John Ringgold, and Robert Vaughan, many of whom served into the 1660s.<sup>17</sup> Of the thirty-two commissioners noted during this period, three sat on the court for more than ten years, another three for more than five years. Fifteen served for at least three years consecutively, and several others served sporadically over the course of the three decades.

A second group of leaders emerged in the late 1660s and 1670s. Brothers John, William, and Henry Coursey served on the court in the early 1660s, as did the sons of former counselors, including James Ringgold and John Hinson.<sup>18</sup> The position of clerk of the county court functioned as a stepping stone to court membership. Thomas Hinson, William Leeds, Tobias Wells, Disborough Bennett, and John Coursey all worked as clerks before becoming commissioners in the 1660s and 1670s.<sup>19</sup> Other commissioners such as Richard Blunt, Robert Dunn, and Morgan

<sup>16</sup> These thirty-two come from a population of more than 1,000 people whose presence can be traced in the Kent County colony during this period.

<sup>17</sup> Vaughan, commander from 1647 to 1652, sat on the court from 1658 to 1668. Joseph Wickes, who came to the colony in 1650, was serving as commissioner in 1651. Wickes appeared on the court throughout the 1650s until he was removed from office in the late 1650s after an accusation that he committed adultery and sired an illegitimate child. He reappeared on the court starting in 1675. While I briefly considered that this later Joseph Wickes might be a son, he buried a son named Joseph in 1656, which means that a second child with that name could not yet be an adult in 1675. Other members such as Thomas Bradnox, Henry Carline, John Russell, Seth Foster, and William Elliott served for shorter periods or sporadically over many years. *Archives of Maryland: Kent County Court*, 54: 1, 2, 4, 8, 25, 31, 34, 39, 48, 56, 64, 66, 72, 77, 83, 92, 95, 99, 102, 105, 108, 114, 119, 123, 125, 126, 130, 139, 141–42, 146, 152, 154, 158, 160, 164, 165, 167, 170, 174, 181, 182, 184–85, 189, 194, 199, 204, 210, 217, 220, 224–25, 228–29, 233, 237, 319–21, 325, 328, 337, 340, 344.

<sup>18</sup> Their fathers were Thomas Ringgold and Thomas Hinson. *Archives of Maryland: Kent County Court*, 54:194, 199, 204, 210, 217, 220.

<sup>19</sup> *Ibid.*, 8, 83, 95, 125, 189, 260–62.

Williams had been in the colony since the 1650s.<sup>20</sup> The role of county commissioner was not filled by newcomers, nor did the court experience frequent changes in leadership.

Though most free immigrants to early Maryland were of the “middling sort” in England, and indentured servants came from both the middle and laboring portions of that population, the men who rose to early prominence distinguished themselves in the community either by rank or by landholding. Robert Vaughan, Joseph Wickes, Thomas Bradnox, and John Russell all used the title “Captain.” The title “Mr.” appears to have been applied to commissioners both before and after their appointment and may have been a title acquired by membership on the court. Only one member, Henry Coursey, used the title “Esquire.”<sup>21</sup> Several commissioners also served as burgesses at the annual General Assembly meeting in St. Mary’s.<sup>22</sup> As for land ownership, men such as Thomas Bradnox, Joseph Wickes, and Thomas Hill acquired significant landholdings through early patents based on transporting servants or family members to the colony. Robert Vaughan owned at least 1,100 acres and managed another thousand-acre plantation on behalf of orphan Elizabeth Cox.<sup>23</sup> Commissioners who sat on the court in the 1660s and 1670s, however, did not control as much land as their predecessors and came from more modest backgrounds. John Winchester owned 350 acres of land; Richard Blunt owned 330 acres, Robert Dunn 250 acres, and Morgan Williams and John Dabb only 150 acres each.<sup>24</sup> Two who served during the late 1660s, John Dabb and Thomas Osbourne, arrived in the colony as indentured servants. Although county commissioners at this time cannot be likened to their eighteenth-century counterparts—as members of a wealthy elite who drew on kinship networks and large economic assets to gain and maintain their power—it is inaccurate to characterize them as unstable or ineffective leaders. They had longevity and standing in the community.<sup>25</sup>

Similarly, despite high mortality and few marriageable women, continuity in both population and households extended long enough to establish ongoing rela-

<sup>20</sup> *Ibid.*, 1, 2, 4, 8, 25, 34, 64, 69, 72, 77, 83, 95, 99, 102, 105, 108, 114, 119, 123, 125, 130, 139, 141, 142, 146, 152, 154, 158, 160.

<sup>21</sup> In England the title “Esquire” was reserved for those with significant land holdings. While the Courseys certainly patented a large amount of land, the other court members had similar holdings.

<sup>22</sup> Kent County commissioners who served as burgesses in St. Mary’s include Robert Vaughan, Philip Conner, Thomas Bradnox, Thomas Hinson, Joseph Wickes, Henry Carline, Robert Dunn, and Henry Morgan. *Archives of Maryland: General Assembly*, 1:22, 105, 215, 361, 362, 376, 382.

<sup>23</sup> Henry C. Peden, *Inhabitants of Kent County, Maryland, 1637–1787* (Westminster, Md.: Family Line Publications, 1970), 52, 58, 65; *Archives of Maryland: Kent County Court*, 54:99.

<sup>24</sup> *Archives of Maryland: Kent County Court*, 54:3, 65, 68–69, 127, 141, 268–70, 286; Peden, *Inhabitants of Kent County, Maryland*, 54.

<sup>25</sup> See Michael J. Rozbicki, *Transformation of the English Cultural Ethos in Colonial America: Maryland 1632–1720* (Lanham, Md.: University Press of America, 1988), for a discussion of the nature of the Maryland leadership in the eighteenth century.

tionships among members. As evidence, consider the extension of friendship through gifts and bequests, as well as protection offered to widows and orphans by both the county court structure and by the community at large.

### **Friendship, Gifts, and Bequests**

That these individuals and households were involved in one another's lives in an ongoing fashion becomes especially evident through the records of gifts and bequests. Because of the dearth of personal correspondence or diaries, the student of the early Chesapeake must rely on court records and wills to decipher the types of relationships within the community. Court records help to paint a picture of the larger community and from them it is possible to tease out connections between individuals and households and their relation to that community. Not only do they show that the community created a supportive network for its surviving population, they also suggest the friendships among these colonists, show the frequency with which settlers interacted, and also indicate general attitudes toward standards of behavior. The formal structure and functions provided by the county court gave legal sanction to community management of its population, but its effectiveness was dependent on the willingness of the settlers to assist and provide for their neighbors.

The county court's formal functions fell into three distinct categories. First, it recorded economic transactions and defined business relationships. Second, it provided a "safety net" for some, especially orphans and widows. Third, it established boundaries for acceptable behavior. In a population where death was ever-present and the opportunity to create economic self-sufficiency, or even prosperity, and then to create a family to inherit it was challenging at best—settlers were forced to become more involved in the lives of their neighbors. Court records show how their lives became intertwined.

The care of neighbors and their children, the rewarding of friendship, and the passing on of legacies are shown through the custom of gifts and bequests. Land sales, livestock records, and wills disclose these connections. Settlers gave gifts of cows and hogs to children with some regularity. A gift of livestock from parent to child was a natural means of assisting a youngster toward economic independence. That is no less true of gifts given to neighbors' and friends' children, and these are sometimes informative about non-kinship connections. When John Dabb's daughter Sarah was born in October 1658, at least two neighbors, John Meconnicon and George Hall, gave her cows as gifts. Hall specified that her father would care for the cows and their offspring until Sarah reached the age of fifteen, with John Dabb gaining control of all the male increase while Sarah retained the female.<sup>26</sup> Richard Blunt's gift of a heifer to John Maggison's four-year-old son,

<sup>26</sup> *Archives of Maryland: Kent County Court*, 54:143, 152.

Abell, was confirmed in the 1670 orphans' court by Blunt's widow, Ann Blunt Nash.<sup>27</sup> William Head gave nine-year-old Ruth Jones a heifer in 1670, and Henry Gott gave Mary Barnes, daughter of Francis Barnes, a cow calf in 1658.<sup>28</sup>

The reasons for these gifts are not always clearly stated. In each case the gift giver and the recipient's parent had been present in the colony for some time. Apart from Henry Gott's wife being subpoenaed to testify for Francis Barnes in a slander suit, more extensive connections between these particular settlers cannot be determined. Were these gifts payment for some type of assistance or a means of ingratiating oneself with a neighbor? Usually gifts to children meant that parents benefited as well, because they had use of the animal and often, as in Dabb's case, were entitled to some portion of the offspring. One could also speculate that this was a method for men without kin to pass on a legacy. But, while Meconnicon and Hall both appear to have been single and childless at the time of their gifts, Henry Gott had a newborn child and Richard Blunt had at least one living child at the time of his gift to Abell Maggison. That these transactions fulfill the designation of a gift as opposed to payment of a debt is supported by the fact that one of the court's primary functions was to manage the payment of debts between settlers.<sup>29</sup> Cases of gifts to children to pay debts of the parents are clearly specified in the records. In October 1659, John Coursey gave John Erickson Jr. a cow calf which Coursey "had of his Father [Erickson's] for a Debt due to me of one hundred & eighty seven Pounds of Tob[acco]."<sup>30</sup>

Settlers also bequeathed gifts to godchildren. Henry Crawley left his entire estate to goddaughter Catherine Smith, daughter of John Smith, when he died in 1640.<sup>31</sup> Samuel Wheeler divided his estate between his wife and daughters but specified a gift for his godson Alexander Towrson.<sup>32</sup> Francis Brookes gave Roger Baxter's son, Francis Baxter, three cows and two guns. Roger Baxter appears to have been adept at earning gifts for his children. Not only did Francis Brookes leave his namesake gifts, but Robert Vaughan gave Roger's son, Robert Baxter, a sow, and Nicholas Broune left his cattle to Baxter's children.<sup>33</sup>

Colonists also made bequests to friends. Thomas Seward specified in his 1687

<sup>27</sup> Ibid., 289.

<sup>28</sup> Ibid., 145, 289. Other gifts include William Ellson and his wife giving cattle to Thomas Stagoll, son of Moses Stagoll, Elizabeth Stoope giving a black cow to William Grainger Jr., and Robert Vaughan giving Marie Crouch pigs which her father had cared for and left her in his will.

<sup>29</sup> Analysis of the available Kent County court records over this period reveals more than 500 cases of debt. By comparison there are only forty-three civil complaints, twenty-five criminal cases and eighty-five land sales. Ibid., 1-352.

<sup>30</sup> Ibid., 170.

<sup>31</sup> Brown et al., *Archives of Maryland*, Volume 4, "Proceedings of the Provincial Court, 1658-1662" (hereafter *Archives of Maryland: Provincial Court*), 61-62, 96.

<sup>32</sup> *Kent County Wills, 1669-1770*, 41-43.

<sup>33</sup> *Archives of Maryland: Kent County Court*, 54:96, 214.

will that his wife Lucy and son Thomas would each inherit plantations he owned, but he also left 150 acres to Thomas Hynson's son, Charles, and another 150 acres to Daniel Moore, the son of Thomas Moore.<sup>34</sup> Quaker Alexander Nash left horses to Thomas Taylor and two of his children, Thomas and Elizabeth, while leaving a cow to Taylor's son James and a cow to Alice Miller, the daughter of local attorney Michael Miller. He also specified that his plantation on Kent Island known as "Gouldhawke and Nash's Enlargement" be left to the orphan, George Gouldhawke.<sup>35</sup> Robert Chapman split a 220-acre plantation between Thomas and William Tally, the sons of Walter and Elizabeth Tally, and left horses and cows to all of the Tally children. In some cases these bequests were a means to pass along an inheritance where no children existed, such as in Nash and Chapman's case. In others, such as Seward's, they appear to have been rewarding the children of friends.

The language employed in wills also shows friendship between settlers. When Thomas Hawkins of Poplar Island died in 1676 he entrusted his "best beloved friends Vincent Low, William Jones and Richard Gould" to fulfill the terms of his will.<sup>36</sup> When Francis Finch specified that Henry Hosier and Cornelius Comegys be executors in trust of his estate to assist his widow, he also instructed that they each receive 500 pounds of tobacco from his estate "to buy them mourning rings."<sup>37</sup> Terms such as "best beloved" and "trusted friend" appear with some frequency in the Kent County wills. These references may have simply been a stylized type of reference, yet the fact that they show up only occasionally implies emotional bonds among some settlers as they faced their own mortality.<sup>38</sup>

<sup>34</sup> *Kent County Wills, 1669–1770*, 39–40. The 300 acres that Seward left to his son was described as the land that Thomas Hynson lived on, while the 150 acres left to Daniel Moore is described as belonging to the estate of Charles Hynson.

<sup>35</sup> *Kent County Wills, 1669–1770*, 76–78. Nash and George Gouldhawke Sr. registered this 200-acre patent in 1670. Peden, *Inhabitants of Kent County, Maryland*, 42; *Land Office Patent Record*, 14:107; *Land Office Patent Record*, 13:2.

<sup>36</sup> *Kent County Wills, 1669–1770*, 70.

<sup>37</sup> *Ibid.*, 84–87. "Throughout the eighteenth century, mourning rings, which provided a tangible link to deceased loved ones, were commonly given to family and friends at funerals. They were usually inscribed with the person's name or initials, age, and date of death and often incorporated symbols such as skeletons or coffin-shaped stones, or later, a lock of hair from the deceased. To serve this need, a new type of jeweler—the hairworker—emerged, who neatly plaited and wove hair specifically for mourning jewelry or for pieces exchanged as tokens of friendship and love." *Historic New England Magazine* (Winter/Spring 2005), 3. Examples of mourning rings can be found at the Colonial Williamsburg and National Maritime Museum websites.

<sup>38</sup> Debra Meyers discusses the custom of god-siblings or "gossips" in *Whores, Vertuous Women, and Loving Wives: Free Will Christian Women in Colonial Maryland* (Bloomington: Indiana University Press, 2003). "Contemporary English advice literature praised the sanctity of true friendship between men and women. . . . These spiritual families made up of close friends provided more than just emotional support; they also served a practical need as well—as guardians for children" (67–68).

The protection of widows and orphans was an issue of public concern from the earliest settlement. Given the precepts of English Common Law and the primacy of private property as a legal entitlement in English culture, it was natural that the new colony would quickly address the issue of inheritance. The 1638/39 session of the General Assembly passed "An Act for the descending of Land," which provided that widows were entitled to one-third of the land during their lifetime and could live in the dwelling house, while guardians of under-aged heirs "may enter upon the Land and Shall be accountable for the reasonable proffits thereof to the heir when he cometh of Age."<sup>39</sup> The protection of inheritance, whether land, buildings, equipment, livestock, or servants, was paramount. A formal structure for protecting minors' property was effectively codified and implemented in the late 1650s and was further refined throughout the century. The proprietor's younger son, Philip Calvert, was primarily responsible for developing the Prerogative Court as "an effective agency for protection of both heirs and creditors."<sup>40</sup> As early as 1658 provision was made that county justices would provide yearly oversight of orphans' property. Guardians who failed to give an accounting answered to the Prerogative Court. Through the 1660s the county court and Prerogative Court shared oversight of orphans' estates, but in the 1670s those responsibilities were placed almost entirely in the hands of the local justices.<sup>41</sup> On Kent Island only three official meetings of the orphans' court are noted in the records, two in 1656 and one in 1661, but the regular Kent County Court monthly meetings are peppered with notations about the care of orphans and their estates.<sup>42</sup>

From the earliest days on the island, colonists were sensitive to the protection of inherited estates and the needs of widows and orphans. When Henry Crawley left his Broad Creek estate to infant Catherine Smith in 1640, her father, John Smith, was legally appointed her guardian and had to mortgage his house and plantation at Crayford, ". . . the property to be the Lord Proprietor's and the use only in himself until he makes a good account of his guardianship." Smith then made William Brainthwaite his tenant at Crawley's Broad Creek plantation until Catherine reached the age of fourteen.<sup>43</sup> Other settlers gave gifts to orphans, presumably as a means of providing them some future income. When disgraced former High Sheriff Francis Lumbard committed suicide in 1653, his daughter Rebecca received a cow from Robert Vaughan and sows from Joseph Wickes, John Ringgold, and John Deare.<sup>44</sup> When Rebecca's mother remarried, her new husband, John

<sup>39</sup> *Archives of Maryland: General Assembly*, 1:60–61.

<sup>40</sup> Lois Green Carr, "The Development of the Maryland's Orphans' Court 1654–1715," in Land, Carr, and Papenfuse, eds., *Law, Society and Politics in Early Maryland*, 42.

<sup>41</sup> Carr, "The Development of the Maryland Orphans' Court 1654–1715," 42–43.

<sup>42</sup> *Archives of Maryland: Kent County Court*, 54:92–95, 217.

<sup>43</sup> *Archives of Maryland: Provincial Court*, 4:65–66, 91–92.

<sup>44</sup> *Archives of Maryland: Kent County Court*, 54:18–19.

Salter, traded the three sows for a cow calf.<sup>45</sup> Similarly, Thomas Hill gave John Deare's daughter, Christian Deare, a cow and heifer when her father died, which were then cared for by John Dobbs.<sup>46</sup> Thomas Ringgold gave three of Hill's children, Ruth, Amos, and Hasidia, cows when their father died.<sup>47</sup>

What compelled these donors to make their bequests? Thomas Ringgold married Thomas Hill's widow, Christian, so his gifts probably represented a means of entry into the family. Francis Lumbar's sad fate was probably an important factor in the bequests to his daughter. Wickes, Ringgold, and Vaughan were probably county commissioners at the time of Lumbar's death and might have felt some responsibility for his fate. Not only had Lumbar suffered the indignity of being removed from office for neglect of duty, he had also fallen more than five thousand pounds of tobacco into debt and had assigned his plantation to merchant Thomas Marsh in payment.<sup>48</sup> Thomas Hill and John Deare witnessed several transactions for one another, including land and cattle sales, although they appear to have lived on opposite sides of Cox's Creek. Others may have been motivated simply by the desire to aid the public good. When Alexander Nash left his property "Gouldhawke and Nash's Enlargement" to the minor George Gouldhawke, he specified that the cattle on the property as well as any profit arising from the plantation be used for the benefit of orphans living in the Lower Hundred of Kent Island until Gouldhawke reached twenty-one years of age. He also specified that should Gouldhawke die before he reached his majority the land and plantation would go for the public use of the orphans forever.<sup>49</sup>

Another important thread in the safety net for children was the maintenance of inheritances until children were old enough to assume control of them.<sup>50</sup> One of the primary purposes of the annual meetings of the orphans' court was to get an accounting of the estates of orphaned children and to ensure that guardians were properly caring for the property entrusted to them. Orphans were defined as children who had lost their fathers. Because widows usually remarried quickly and became part of another household, the court worked to protect the property that children had inherited from their fathers. At an orphans' court meeting in December 1656, six guardians gave accounts of the cows left in their care for the

<sup>45</sup> *Ibid.*, 47–48.

<sup>46</sup> *Ibid.*, 229.

<sup>47</sup> *Ibid.*, 143, 152.

<sup>48</sup> *Ibid.*, 18, 19, 21.

<sup>49</sup> *Kent County Wills, 1669–1770*, 76–78.

<sup>50</sup> Maryland drew its understanding of laws to protect the estates of orphans through the use of guardians from English common law. See Carr, "The Development of the Maryland Orphans' Court," 53. For English guardianship see Charles Carlton, "Changing Jurisdictions in 16th and 17th Century England: The Relationship Between the Courts of Orphans and Chancery," *American Journal of Legal History* 18 (1974): 124–136.

benefit of orphans in the community.<sup>51</sup> Guardians of orphans' assets did not perform these duties out of simple compassion but benefited from their efforts. Usually they were awarded the male increase of inherited livestock, while the female increase went to the heirs. Francis Brookes was awarded the male increase of cows left to John Day's heirs for his care of them. When the cow that Robert Baxter was given by Robert Vaughan produced nothing but males, his father Roger Baxter promised to give him a cow calf, presumably to guarantee him some future advantage from the gift.<sup>52</sup>

That guardians and stepfathers sometimes wasted the property of their charges was a problem taken seriously by the court and the community.<sup>53</sup> Shortly after Samuel King married Nicholas Pickard's widow, Ellenor, the court summoned King to give an account of Pickard's estate and of the children's portion. When King failed to do so, the court resolved to meet at his house the following Saturday to take his account and "to secure the Childrens part of the estate of their father."<sup>54</sup> Two years later Arthur Wright appeared before the court to complain that Samuel King "doth embeasse and make away with the estate of the orphans of Nicholas Pickarde deceased." The court ordered Wright to take immediate possession of the estate.<sup>55</sup>

The county court also offered some assistance to widows, although the frequency and haste with which they usually remarried meant that they generally did not require long-term consideration. When Sarah Raby was widowed in 1661, creditors demanded payment from her husband's estate. She appeared at the monthly court meeting moaning, "your petir [petitioner] being left in A Destitute Conditione as may Apeare to your worships your pettir humbly Craves she may Injoy hur wareing Clothes and hur Bedinge." The court ordered Francis Barnes to return a rug to her that he had been holding for debt and then ordered her to pay "so fare forth as the said Estate shall extend to the paying of his debts."<sup>56</sup> The fact that the court made her pay only what she was able, as opposed to the complete debt, shows some compassion for her situation. That she had to appeal to keep her clothing and bedding shows the dire nature of her condition.

Annicake Hanson appealed to the court for assistance with several matters when she lost her husband, Andrew. Pregnant, with four small children at home,

<sup>51</sup> *Archives of Maryland: Kent County Court*, 54:95-96.

<sup>52</sup> *Ibid.*, 96.

<sup>53</sup> See Carr, "The Development of the Maryland's Orphans' Court 1654-1715"; James W. Deen Jr., "Patterns of Testation: Four Tidewater Counties in Colonial Virginia," *American Journal of Legal History*, 16 (1972), 154-76; Jean Butenhoff Lee, "Land and Labor: Parental Bequest Practices in Charles County, Maryland, 1732-1783" in Lois Green Carr, Philip D. Morgan and Jean B. Russo, *Colonial Chesapeake Society* (Chapel Hill, University of North Carolina Press, 1988).

<sup>54</sup> *Archives of Maryland: Kent County Court*, 54:255-56, 266.

<sup>55</sup> *Ibid.*, 314.

<sup>56</sup> *Ibid.*, 212.



she asked for the court's approval of the apprenticeship of her son, Hance, to Joseph Wickes. She stressed that she was unable to care for her children, "having no estate left for the maintenance of her selfe or her Children and beeing constrained for want of abillitie to dispose of sume of them to sume Christian friends, for their maintenance and subsistanc."<sup>57</sup> Not only did she look to the court for sanction of her decision regarding Hance, she also stressed that she was struggling to find neighbors willing to care for her children. Annicake managed to negotiate a very good apprenticeship for her son and later another for her young daughter. She also sought the court's assistance when she sold half of her husband's boat to Henry Carline. The court reported it was happy to approve the sale, "Consideringe it was for her Reliefe in her Extreame nessessitie in Child Birth."<sup>58</sup> Annicake Hanson's situation was extreme because she had so many young children. By utilizing the court's oversight, effectively negotiating service contracts for her children, and expeditious remarriage, she maintained herself for many years. Indeed, while the court was not called upon to help widows extensively, its willingness to assist them in times of extreme need, and its insistence on overseeing the inheritances of orphans, demonstrate how it helped the poor and the needy. Nevertheless, with no formal institutional structures apart from the court, settlers had to look to their neighbors for the practical assistance necessary for survival.

Another means by which Kent County residents supported one another was by taking neighbors into their homes and caring for them in sickness and at their deathbeds. Swedes Andrew Hanson and Valerus Leo both died in their neighbors' houses, Hanson at Beaver Neck plantation and Valerus at Henry Morgan's house. Morgan appeared in court after Leo's death requesting six hundred pounds of tobacco "for the tyme of Eaight weeckes he harbored in his house, Cherist and kept him with meat drinke & Atendence in the tyme of his sickness," and for the cost of his funeral. Leo apparently appreciated the Morgans' care because Robert Vaughan reported that shortly before his death, Leo said he wanted Mrs. Morgan to have his sow "for her payens and Truble he had given."<sup>59</sup> Joseph Wickes paid for the funeral of Edward Tarrant in 1655 but requested 250 pounds of tobacco reimbursement from Tarrant's estate.<sup>60</sup> When Margaret Winchester died in 1661, at least seven neighbors checked on her condition in her final days. William and Grace Granger stayed in the Winchester home for two weeks before her death, while John Dobbs was at the house for three days and nights. Esabella Barnes and Sarah Raby sat up with her one night while John Morgan Jr. "watched one night til the cocks crow." During this vigil, Mrs. Winchester apparently was well attended.

<sup>57</sup> Ibid., 28.

<sup>58</sup> Ibid., 45.

<sup>59</sup> Ibid., 35, 86.

<sup>60</sup> Wickes transported Tarrant to the colony in 1654 and worked on the plantation that Tarrant shared with William Leeds. *Archives of Maryland: Kent County Court*, 54:43.

Grace Granger reported "she wanted for nothings nither poultry stewed with butter & Currents . . . [and] she had sacke and drames and beare to Drink when she would & Candels and she had a mind to a Duck and John Winchester killed on[e] for hur & Dresed it."<sup>61</sup>

Harsh conditions necessitated that settlers work together for survival. Their friendships and sense of responsibility for one another are evident in the way they gave gifts to children and bequests to friends and their offspring, protected the welfare of orphans, and cared for neighbors in times of need.

## Behavior

Community watchfulness and censorship of behavior is another window through which to observe community coherence. The County Court played an administrative role in policing the settlements, but it was the larger community that really detected and moderated unacceptable standards of behavior.<sup>62</sup> The court's responsibility covered threats to property, to family, and to the larger community.

Threats to property chiefly involved theft but included destruction of another's property and endangering one's ability to control servants or their labor. Stealing livestock was the most common type of theft in Kent County. As in the Salter case, even those not directly victimized were still apt to become involved in a case, because a thief threatened everyone. In 1657, John Deare came before the Court because

... it hath ben The great Complaint of Many psons upon This island Agaynst John Deare for his Comon frequenting The wield gange [wild gang] killing Cattell both ould And young and Marking of Calfes all which he prtends to be his owne: yet is heald very suspitious both by The Complaynants And the Court.<sup>63</sup>

Deare had a long history of such conduct, and his consistent failure to deliver promised goods contributed to his troubles in 1657. Between 1655 and 1657, Deare was involved in ten separate cases and in at least three of those he had failed to deliver cows or casks of tobacco that he had sold. In 1656 he regained control of his son George's cows that he had inappropriately sold to George Crouch. A year later Henry Morgan appeared before the court saying he would not deliver a bill of sale for eight cows Deare had purchased in 1653, because he still had not received the payment of 2,750 pounds of tobacco.<sup>64</sup> The 1657 court complaint was

<sup>61</sup> Ibid., 222–223.

<sup>62</sup> Kent County's police force consisted of a single sheriff in the early period and later of a High Sheriff assisted by two constables.

<sup>63</sup> *Archives of Maryland: Kent County Court*, 54:111.

<sup>64</sup> Ibid., 37, 56, 64–68, 70, 103, 105, 108, 111.

preceded by a meeting of several residents, including Thomas Bradnox, John Salter, and Henry Clay, at Kent House.<sup>65</sup> They questioned neighbors Ann and Gregory Murell about the source of Deare's hides and about whether the hides had Deare's mark upon them. The Murells had helped Deare kill and dress the cattle and they testified that they believed the cattle were his, although the face and horns of one hide had been cut away, leaving no cattle mark. John Erickson admitted helping Deare carry home a hog he had slaughtered and reported that Deare "was Afrayed to Carry him to greens for feare The sheriffe would seaze on him."<sup>66</sup> The court's intervention in 1657 required the complaint of many residents and also called upon them to enforce the punishment. Like Salter, Deare was restricted from going into the woods alone and was required to "Take with him Two honest naybours That may se he Doth nothing Any Wayes That may be Iniurious to Any man."<sup>67</sup>

Offenses against individuals or households consisted chiefly of violence, adultery, and, by far the most common, slander and defamation. Slander cases arose for a variety of reasons and involved women in disproportionate numbers.<sup>68</sup> Because they could not participate in public life by holding office or voting, women used gossip as a means to enhance their own positions or weaken others'. In a society where reputation was as important to one's success as the value of one's estate, and sometimes more so, gossip and slander were effective means of identifying misbehavior and clarifying the community's standards. Mary Beth Norton points out that "defamation cases collectively form a window through which we

<sup>65</sup> Kent House appears to have been an inn or pub run by the Murells. Its name appears periodically as a meeting place, but no other formal records of its function as a business establishment can be located.

<sup>66</sup> *Archives of Maryland: Kent County Court*, 54:88–89.

<sup>67</sup> *Ibid.*, 111.

<sup>68</sup> Mary Beth Norton states, "The gender system as revealed in slander cases upheld strict sexual standards for women and strict financial standards for men. Women were judged primarily by their interactions with men—hence the prevalence of sexual insults—and men, too, were judged by their interactions (albeit economic) with men. Anthropologists have identified such a pattern of gender relationships in other societies that define women in terms of their relationships to men but categorize men in ways that have little to do with women. . . . In such societies, Sherry B. Ortner and Harriet Whitehead have concluded, 'womanhood is defined largely by wifehood, and the "essence" of womanhood is that which is of greatest value in a wife—sexuality and economic usefulness.'" Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," *William and Mary Quarterly*, 3rd Ser., 44 (1987): 36. On the other hand, Debra Meyers points out that a woman exerted power both within and without the household and that her ability to function effectively as a widow implies some mastery of business as a wife. She writes, "The 3,190 last wills and testaments left between 1634 and 1713, in addition to personal correspondence and business ledgers presented here, indicate that many white women in seventeenth-century Maryland exerted power and authority within the public sphere. They managed profitable plantations and commercial shipping vehicles, worked for wages, played a central role in the church, and frequently participated in the legal system." "The Civic Lives of White Women in Seventeenth-Century Maryland," *Maryland Historical Magazine*, 94 (1999): 32.

can view normally unspoken gender values . . . [and] in gossip that results in lawsuits we can identify the types of behavior a society most abhors." Norton shows that targets of slander, means of attack, and types of insults hurled were gender-specific. Women were usually attacked for sexual misconduct, men for alleged dishonesty in business. Moreover, men generally insulted others in direct confrontations, women through networks of gossip.<sup>69</sup>

In Kent County, of twenty-two slander cases in the court record between 1647 and 1671, women figured prominently in eleven.<sup>70</sup> Hannah Jenkins, a single woman, responded to an accusation of infanticide by suing Isabella Head for slander.<sup>71</sup> Elizabeth Martin slandered William Price when he reported her alleged affair with her husband's business partner.<sup>72</sup> In each case a woman's sexual reputation was called into question, and she retaliated vehemently.

Men were just as quick to respond to perceived attacks upon their reputation. John Deare successfully sued Nicholas Broune for calling him a thief in 1655, yet thereafter the community's mistrust of his business dealings became apparent.<sup>73</sup> An attack on one's reputation was met vigorously, whether it involved thievery, adultery, or alleged business dishonesty. In front of Thomas South, Isaac Ilive, and Henry Clay, Mathew Reade claimed Thomas Hinson "gott his living by Cheating & Cossening and by sharking and Cossoning." The court dealt harshly with Reade, ordering him to pay Hinson five hundred pounds of tobacco as well as the costs of the suit, "which is Towards the Repayration of The sd Mr Hinsons Credit." It also ordered Reade to acknowledge his offense in open court or to remain in the custody of the sheriff until he did so.<sup>74</sup>

When Ann Hinson told Joseph Wickes he was about to be questioned on the legitimacy of his child, he demanded to know his accuser. Upon hearing that it was Thomas Ringgold he said, "Ill begin with him Concerning Theft for his stealing A hogg from Veleros." The dispute escalated several months later at a court meeting when Ringgold acknowledged Wickes' presence with the remark that "it was not fiting Any whore Master should sett at Table There." Wickes shot back, "it was better be a whore Master Then a Theife." At the court hearing regarding this dispute, seven neighbors testified to the scandalous words as well as the proper ownership of Valerus' sow and his gift of it to Mrs. Morgan. The case was ultimately referred to the Provincial Court, although no outcome is reported.<sup>75</sup>

Accusations of adultery usually resulted in concomitant defamation cases

<sup>69</sup> Norton, "Gender and Defamation," 9–19.

<sup>70</sup> Compare these data to the fact that women were only involved in 24 of 524 debt cases.

<sup>71</sup> *Archives of Maryland: Kent County Court*, 54:250–51.

<sup>72</sup> *Ibid.*, 63–64, 69–70, 80–81.

<sup>73</sup> *Ibid.*, 26.

<sup>74</sup> *Ibid.*, 78, 84.

<sup>75</sup> *Ibid.*, 84–85.

against the accuser. When William Price accused Elizabeth Martin of committing adultery with her husband's partner, Henry Ashley, she also found herself in court for calling Price a "perjured rogue" in front of Thomas Hill and Thomas South.<sup>76</sup> Henry Carline sued Mary Bradnox when she spread a story about Carline sleeping with a woman who was not his wife at Captain Fleet's house in Virginia.<sup>77</sup> Similarly, Thomas Bradnox successfully sued a maidservant for slander when she accused him of raping her. When Margaret Mannering accused her former master, Thomas Bradnox, of rape, the case was treated as a defamation case rather than as a criminal matter. The issue for the court was not whether the maidservant had been abused but whether Bradnox's reputation had suffered as a result of her words.<sup>78</sup> These powerful reactions to slander reveal not only the importance of reputation in this small community, but also the extent to which individuals interacted on an ongoing basis. In most cases there were multiple witnesses to the original alleged misdeed as well as to the subsequent allegation. Had the community consisted of individual plantations isolated from one another, where people met only occasionally at court meetings or for the exchange of goods and services, intimate knowledge of one another's behavior would have been impossible.

The frequent interaction among neighbors can be seen even more effectively in threats to the community at large, which involved socially unacceptable behavior or challenges to authority. The most obvious challenge to authority was a lack of respect to the court and its members. The most outrageous case originated within the court itself, when one of its own members, Captain Robert Vaughan, twice insulted that body. On the second occasion, in 1652, he used the "most 'opprobrious' epithets, bending his 'fist' over the 'heads' of the Judges and 'swearing' at the Clerk as 'he sat at table.'" When the court fined him six hundred pounds of tobacco, he appealed to them acknowledging "his offences to be from frailty," in that he had recently suffered great afflictions including the loss of all of his hogs and part of his cattle. The court accepted his apology and forgave him the fine.<sup>79</sup> The court fined Thomas Dickes one hundred pounds of tobacco when he questioned Constable Henry Gott's authority to view his corn.<sup>80</sup> The failure to plant corn was a serious matter, in as much as tobacco planters' devotion to their cash

<sup>76</sup> *Archives of Maryland: Kent County Court*, 54:69–70. See Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), and Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), for more comprehensive analysis of this charged issue throughout the North American colonies.

<sup>77</sup> *Archives of Maryland: Kent County Court*, 54:42, 55–56.

<sup>78</sup> *Ibid.*, 122.

<sup>79</sup> *Ibid.*, 9, 16.

<sup>80</sup> *Ibid.*, 170–171.

crop meant that foodstuffs were often in short supply. One of the constable's jobs was to check that the residents grew their required one-half acre of corn each year.

Because there was no established church or ecclesiastical court to oversee them, it fell to the County Court to establish the boundaries of socially acceptable behavior. Observance of the Sabbath was required, and residents occasionally found themselves in court for failing to do so. Ed Rogers answered to the court for shooting and killing a turkey on the Sabbath. The court accepted his plea of ignorance of the law to that effect and he was discharged.<sup>81</sup> Henry Clay was fined fifteen pounds of tobacco when John Salter reported him for striking tobacco on the Sabbath.<sup>82</sup> Constable John Ellis turned in Capt. John Russell and John Gibson for fighting on Sunday.<sup>83</sup>

Sunday was when settlers most often visited one another, and sometimes that resulted in trouble. In April 1655 six members of the community—Mathew Reade, John Salter, William Price, Henry Clay, Henry Taylor, and Marie Crouch—were brought to court following a boisterous day of drinking, swearing, and discharging guns. The court let them off for their first offense, but Marie Crouch's penchant for drink landed her in trouble again two years later, by which time her husband George had passed away and she was married to Roger Baxter.<sup>84</sup> She went to Edward Coppedge's house on a Sunday where she, Edward Coppedge, and his wife each pulled out a "dram" and proceeded to drink. By the time they had finished their "pint poot," Mrs. Hinson and Mrs. Morgan had also appeared, so Mary Baxter offered to get them a drink as well. They told her not to, that it would be better for her to take it home to her husband and children. When they left, Baxter "Abused mr Hinsons Children and Rayelld [railed] upon her Naybours & Did sweare very Desperatly many oaths."<sup>85</sup> Although this story clearly shows Mary Baxter's fondness for drink, more importantly it highlights the fact that visits with neighbors were not exceptional. Even more interesting are Baxter's passionate complaints about her neighbors because they imply a level of emotional involvement one would not expect in a community of isolated households. That she threatened Hinson's children and "rayelled" against her neighbors indicates ongoing relationships that became problematic over time, not occasional or infrequent interaction. These social gatherings were not special occasions to celebrate important life events, but were common events in the life of the community.

Censure of inappropriate behavior may have emanated from the formal meetings of the court but in each case multiple community members acted as witnesses to one another's misdeeds. Gregory Murell came before the court in 1659 for being

<sup>81</sup> *Ibid.*, 59.

<sup>82</sup> *Ibid.*, 193, 195.

<sup>83</sup> *Ibid.*, 78.

<sup>84</sup> *Ibid.*, 27.

<sup>85</sup> *Ibid.*, 87–88.

a "common swearer and disturber of the peace." A close look at the records shows that he earned the contempt of many neighbors through continuous threats and altercations until Thomas Ringgold finally turned him in to the court. In late 1658, Murell and William Elliott became embroiled when Murell accused Elliott of knocking down his fence. Elliott first denied it, then said that he would have repaired it if Murell had not come upon him where "hot words" quickly ensued. Murell called Elliott a thief, traitor, and rebel: a thief because he supposedly stole Henry Morgan's boat, and a traitor and rebel probably because Elliott was a Quaker. Murell then threatened to throw a hammer in Elliott's face. Henry Clay and John Salter witnessed this fight, and Salter and John Coursey witnessed a second argument between Murell and Thomas Ringgold Sr. shortly thereafter. In that case the two men fought over a steer which Ringgold claimed was his but of which Murell insisted he owned half. Ringgold said he would kill the steer and not "suffer to be robbed." Murell "swore by Gods blood" he would have half of it. Ringgold vowed that he and his party would fight and deal with Murell, and Murell replied that he had no party but himself. Ringgold also called Murell a thief and liar and said that he was not "fit to live in a Commonwealth."

A third incident occurred at Thomas Hinson's house when Murell confronted Robert Knapp for making "false reports" about him. Thomas South testified that Murell swore many "outrageous . . . and desperate oaths" and told Knapp he would make him "carry his bones in a bag." Servant John Browne also reported that Murell had abused his master and boxed his ears. Eventually Murell was found guilty of disturbing the peace and ordered to pay two shillings six pence or the equivalent in tobacco for his first offense. Ringgold received half that sum for turning his neighbor in and the Proprietor received the rest.<sup>86</sup>

Although the outcome was predictable, much more interesting are the details that emerge as Murell stormed through his neighborhood. First, each of Murell's altercations was witnessed by multiple neighbors who willingly testified to them in court. In most cases the dispute started over ownership of some type of property but quickly escalated to attacks on character and threats of bodily harm. Also interesting is that both Salter and Coursey reported that Ringgold said he "and his party" would fight Murell, while Murell admitted that he had no party of his own. What did Ringgold mean by "party?" Did neighbors combine into groups for friendship and defense or does this have some greater political meaning? These fights occurred at the time of Josias Fendall's control of Maryland and shortly before Charles II's restoration. Ringgold's epithet that Murell wasn't fit to live in a Commonwealth implies a judgment about Murell's politics as well as his civility.

The proceedings of the County Court are crucial to unveiling the complexity of relations within this small community. Not only did those meetings establish

<sup>86</sup> *Ibid.*, 158, 163-66.

the boundaries of proper behavior and highlight those values that the settlers found most important, they reveal the extent to which the colonists became involved in the daily lives of their neighbors. The threat John Deare posed to livestock was carefully watched and debated by several settlers until the time came when they felt compelled to report the danger to the court. Similarly, Gregory Murell's quick temper and willingness to swear oaths and threaten violence against his neighbors resulted in testimony by seven neighbors, one of whom was present on two occasions. The rulings also show sensitivity to the realities of life in this community. Deare's penchant for dishonesty was controlled through the ongoing vigilance of his neighbors, while Murell, in being fined for a first offense, was held liable for his future behavior. All of these cases, whether theft, slander, or violence, show the frequency with which colonists came together for business and social functions and that in some cases those gatherings occasionally resulted in discord. One wonders how often the settlers gathered harmoniously together, something the court records do not reveal.

The early colonial Chesapeake's social structure was more cohesive than has been traditionally believed. Despite, and because of, high mortality rates, early settlers utilized formal and informal methods to support and befriend their fellow settlers. The settlers of Kent Island, while suffering high mortality and household fluidity, also persisted with enough continuity and longevity to form a core population. This population cultivated the land, created neighborhoods, and built friendships. It also provided a legacy for future generations.

The records of Kent County show that community bonds of friendship and support were most likely common, rather than an oddity, in the early colonial period. The records of the court system—County Court, Provincial Court, and the Orphans' Court—demonstrate that settlers shared values and illustrate the means by which they controlled and protected their neighbors. Settlers worked together to provide for orphans and widows, met and discussed their neighbors' behavior, and sought official intervention when individual efforts failed. Wills provided for family futures and also recognized and rewarded friendship. Although religious activity was not highly structured or codified on Kent Island, shared religious principles inspired connections among settlers. The Quaker presence is apparent, through positive interaction as in Alexander Nash's provision for orphans in the neighborhood, and in negative connotation as when community members hurled epithets at one another over religious and political ideals. Economic ties between settlers were also significant and sometimes extended to a familial bond between partners and their families. Friendships, gift-giving, bequests, and shared values knit this community together. Their stories indicate that colonists worked and socialized together with some frequency, fulfilling multiple emotional, legal, and functional needs.



# A Ruse de Guerre Gone Wrong: The Sinking of the *Eleanor*

FREDERICK C. LEINER

On October 4, 1812, the pilot schooner *Eleanor* set sail from Baltimore, bound for Bordeaux. More than three months after the declaration of war in June 1812, she had to evade any British warships near the American coast and the tighter cordon of the British squadron blockading Napoleonic France. Built in 1809 at the Fell's Point shipyard of John Price, the *Eleanor* carried three hundred barrels and 925 bags of coffee and twenty-four seroons of indigo, a cargo said to be worth \$29,250, which was to be consigned to Lonagne et Fils, wine merchants, when the schooner arrived at Bordeaux. The *Eleanor* carried a crew of twenty-four and an armament of two long nine-pounder and four six-pounder cannon. Described as "sharp-built" with a "round tuck," the two-masted *Eleanor* was eighty-two feet in length, measured 183 42/95 tons, and was valued at \$14,000.<sup>1</sup> Schooner and cargo were the property of Baltimore merchant John Donnell.<sup>2</sup>

The author wishes to thank Edmund Nelson, a dedicated member of the Maryland Historical Society maritime committee, who found details about the schooner *Eleanor* from the society's collections; Michael Moore, an archivist with the National Archives – Northeast Region, Waltham, Massachusetts, who was able to locate the district and circuit court records; and James E. Cumbie, Esq., who made valuable suggestions to improve the essay.

<sup>1</sup> The date the *Eleanor* sailed from Baltimore, her destination, cargo, and intended consignment are in the libel filed in January 1813 in *Donnell v. Rodgers*, found in Record Group 21, Records of the United States District Courts, Court File for *Donnell v. Rodgers* ("NA Court File"), National Archives – Northeast Region, Waltham, Massachusetts. For details about the schooner, see Marion V. Brewington, comp., "Index of Carpenters Certificates on File in Record Room of Baltimore Custom House 1790–1831" (1957), typescript mss. at the Maryland Historical Society (MdHS); and William J. Kelley, "Shipbuilding at Federal Hill Baltimore" (1964), typescript mss. at MdHS. The word "seroon" (also spelled "seron"), means "a bale or package (of exotic products, e.g. almonds, medicinal bark, cocoa) made up in an animal's hide." *Oxford English Dictionary*, 2d ed. (Oxford: Clarendon Press, 1989), 15:19. The odd measurement of tonnage was called carpenters' measure, a reflection of a ship's cubic size, not displacement. Carpenters' measure equaled the length of the ship's keel multiplied by the extreme breadth, multiplied by the interior vertical dimension (called "depth of hold"), the whole divided by ninety-five. Thomas C. Gillmer, *Pride of Baltimore: The Story of Baltimore Clippers 1800–1990* (Camden, Maine: International Marine, 1992), 189.

<sup>2</sup> John Donnell, an Irishman who emigrated to the United States in the 1780s, was a distant cousin of Samuel Smith, the Revolutionary War soldier and merchant "prince" of Baltimore, who later served in the House of Representatives, the Senate, as commander of the defenses of Baltimore in

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The schooner's first twelve days at sea were uneventful. Late at night on October 17, 1812, when the sailors reckoned that she was in 53° 19' West Longitude and 37° 32' North Latitude, someone on the *Eleanor* spotted three sails in the loom of night, off her port quarter, perhaps two miles off. Desperately trying to avoid the strangers, William Graham, the *Eleanor*'s twenty-five-year-old master, quickly wore ship, changing course from east to south, and after rousing up all hands ordered the square topsail set. It was too late. The *Eleanor* had been seen, and one of the ships made sail and shaped a course to pursue. Despite Baltimore pilot schooners' well-earned reputation for speed, the pursuer gained on the *Eleanor*. Graham ordered the topsail hauled down and the jib cleared away to be hoisted, measures that would, in the words of seaman Joseph Pierson, "haul the Schooner upon a wind so as to escape." But from the dark came the sound of a cannonball flying past and splashing into the water two hundred yards astern. First mate George Kirk was frightened and called out to Graham that they had better heave to. Graham replied, "No, try to get sail upon her, & we may get clear of her yet." The words had barely left Graham's mouth when another shot whizzed directly over the schooner and struck the water half a mile to windward: the *Eleanor* was clearly in range. Graham had had enough. He ordered the seaman at the wheel to put the helm down, and ordered his men to back the sails to heave to and await the oncoming ship.<sup>3</sup>

Within minutes the ship came within hailing distance. Her size, three masts, square rig, and the row of gunports on her broadside indicated that she was a warship, a frigate. Across the water came the hail, "What ship is that?" Graham answered, "The schooner *Eleanor* of Baltimore, bound to Bordeaux." Then, asked for the name of the master, he answered with his name. The hailer ordered the

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1814, and then mayor. Donnell worked in Smith's counting-house and in the 1790s established his own business in Baltimore and owned a number of ships. According to the semi-fictional account in Marian Buckley Cox, *The Donnells of Willow Brook* (New York: n.p., 1970 [?]), one of Donnell's children was named Elleanor (with two "L's"), which may have been the inspiration for the name of his schooner, launched at roughly the same time.

<sup>3</sup> NA Court File, Answer, gives the latitude and longitude. In his deposition, Graham stated that he "descried" three sails about midnight and tried to escape, but one ship pursued and fired three shots, one of which passed right over the *Eleanor*. (William Graham Deposition, February 23, 1813.) Richard Lemmon, the supercargo, stated that the schooner wore ship and stood south to evade the pursuers. (Richard Lemmon Deposition, undated [February 1813].) Joseph Pierson was below, probably asleep, when the sails were sighted and described the boatswain calling for all hands because "we were close aboard a Frigate." Upon coming on deck, Pierson saw two ships to leeward between a mile and a half and two miles away, described the orders given to haul down the square sail and clear away the jib and noted the two cannon shots with the quotes from the master and the mate. When the *Eleanor* hove to, Pierson was ordered to take the helm. (Joseph Pierson Deposition, February 8, 1813.) James Murray was on watch when two ships were spotted on the schooner's port quarter. Murray recalled two shots fired, and he was at the helm when Graham ordered the helm put down, the square sail hauled down, and the foretopsail backed. (James Murray Deposition, February 8, 1813.) All depositions in NA Court File.

schooner to remain where she lay, heaved to, and announced that the frigate was sending a boat across.<sup>4</sup>

Being stopped and examined by a British frigate meant that the *Eleanor* would be made a prize and her crew taken as prisoners of war. Graham put some government dispatches and other papers he was carrying to France, and which he had been directed to destroy in case of capture, in a canvas bag with three cannonballs to weigh it down. He handed the bag to his second mate, William Foster, ordering him to go forward and throw it overboard if he (Graham) was ordered off the schooner. A young lieutenant from the frigate's boat came up the side of the *Eleanor*, his way lit by William Norris, a teenaged seaman from the *Eleanor*, carrying a lantern. The lieutenant asked to speak to the master. When Graham appeared, he told him he had orders to send Graham and one of his mates, along with the schooner's papers, to the frigate. Graham called for George Kirk, gathered his ship's papers, and set off with his first mate to be rowed across to the frigate. The lieutenant remained behind.<sup>5</sup>

As he walked aft with Norris, the lieutenant encountered the schooner's "supercargo" (the owner's representative aboard the ship, in charge of the cargo), a man named Richard Lemmon. He asked Lemmon where the schooner was from and bound, her name, her owner's name, and her cargo, to which Lemmon gave "unequivocating answers." Convinced that he was about to become a prisoner and his cargo would soon be made a prize, Lemmon tried to dampen the lieutenant's enthusiasm, noting that the coffee and indigo "would be as dull a Sale at Halifax or Plymouth,<sup>6</sup> as it was in Baltimore." The lieutenant replied that his frigate had recently made another capture, a brig with \$200,000 in specie aboard, from "one of the northern states." Norris asked him what ship he came from, to which the officer replied, "His Majesty's Ship *Shannon*." The *Shannon*, a thirty-eight-gun frigate assigned to the Royal Navy's North Atlantic squadron based at Halifax, Nova Scotia, was well known, having tormented American merchant vessels off the Atlantic Coast for years. Norris responded that he wished the United States frigate *President* was alongside the *Shannon*, trading broadsides. When the lieutenant asked if he thought the *President* could do anything with the *Shannon*, Norris responded he was "sure of it."<sup>7</sup>

With this steady stream of conversation, beside Norris's lantern, the lieutenant looked closely at Lemmon and remarked that he knew him from Baltimore. Lemmon

<sup>4</sup> William Foster Deposition, February 24, 1813, and Graham Deposition, NA, Court File.

<sup>5</sup> Joseph James Nicholson Deposition, February 8, 1813; Foster Deposition; Lemmon Deposition, NA Court File.

<sup>6</sup> British ports where a captured American merchant vessel might be brought, adjudicated a good prize, and sold with her cargo.

<sup>7</sup> Nicholson Deposition; Lemmon Deposition; Foster Deposition; William Norris Deposition, February 25, 1813, NA Court File.

replied that he did not know any British officers but looking more closely, asked, "Aren't you Nicholson?" To this, Lieutenant Joseph J. Nicholson of the United States Navy merely smiled and said that the frigate across the water actually was the U.S. frigate *Congress* and that the other ships were the *President* and a prize brig called the *Swallow*. All this pretending to be British was a *ruse de guerre*. Some American merchant vessels were suspected of carrying a British license to trade, which would allow them to pass through the British blockade and deliver grain to Lord Wellington's army in Spain, an act of doubtful legality. The object of the American squadron's *ruse* was to pretend to be British and thereby entice the master of such a vessel to verbally admit her true destination and British license.

How an American naval officer could even temporarily fool American seamen into thinking he was a British officer is puzzling. Perhaps Nicholson mimicked an English accent. Somehow, he had fooled them into believing he was British. Nevertheless, the *Eleanor* was American, and the *Congress* was, too. For his part, as soon as he clambered aboard Nicholson should have recognized that the *Eleanor* could not possibly be sailing under British license because she mounted six cannon and the British government and navy issued licenses only to unarmed merchant vessels.<sup>8</sup> The schooner's papers were legitimate and her trading voyage lawful, as Captain John Smith of the *Congress* verified upon examining Graham, Kirk, and the papers in the spacious cabin of the *Congress*. Ironically, among her papers was the *Eleanor's* certificate as letter of marque number 550, signed by President Madison and Secretary of State Monroe and dated October 1, 1812, authorizing her to seize and bring into port any British ships she might encounter.<sup>9</sup> Until the very moment Captain Smith told Graham "he was on board his own Countryman," Graham thought he was aboard a British ship. Smith returned the papers to Graham, escorted him on deck, and wished him a pleasant voyage.<sup>10</sup>

But the *Eleanor's* crew believed that the frigate abreast of them and the officer boarding them were British, and almost every man and boy had gone below. Pierson explained that "the People supposing that no American Frigate could be so far out at Sea believed her to be British & judging themselves to be Prisoners some of them declared they would do no more & the Schooner might go to hell," leaving one sail drooping into the water as they went below. The crew refused to work the schooner, and with their master and first mate gone and the "enemy" in

<sup>8</sup> Michael J. Crawford, "The Navy's Campaign Against the Licensed Trade in the War of 1812," *American Neptune* 46 (1986): 168–69.

<sup>9</sup> Nicholson's recognition of Lemmon, and his smile at being recognized in return, are in Nicholson Deposition; Lemmon Deposition, NA Court File. As to the *Eleanor's* letter of marque, see Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, Ct.: Wesleyan University Press, 1977), 260; and John Phillips Cranwell and William Bowers Crane, *Men of Marque: A History of Private Armed Vessels out of Baltimore During the War of 1812* (New York: W. W. Norton & Co., 1940), 381.

<sup>10</sup> Graham Deposition, NA Court File.

control, all discipline went by the boards. The disaffected men broke into the spirits room and started drinking. Lemmon ran forward, found Foster, the second mate (who had just thrown the parcel of dispatches overboard), and told him that he should go aft and help the officer because he was American.<sup>11</sup>

Lemmon and Foster went aft. Nicholson admitted that he was indeed Nicholson and explained that he had been ordered to pretend to be British to see if the schooner were really American but added that he did not wish to disclose his true identity to the crew. By then the schooner was in complete disarray. Nicholson later said that the "Square Sail and rigging [were] foul & flying about in every direction." When he called out to wear ship to follow the *Congress*, no one except Foster and Joseph Pierson (at the helm) would listen. Nicholson and Foster by themselves could not shift the main boom and jib sheet. The schooner did not come about, and worse, the jib sheet block was unhooked, tangling the line. Nicholson ordered the jib to be set, to get some forward motion on the schooner, but in Norris's words, there were "not Men enough to hook it, [and] it could not be hoisted for some Time, and before they could get the Sheet clear, the Sail was much torn, and the Frigate got out of Sight."

Nicholson decided it was time to "undeceive" the crew and asked Lemmon to tell them who he was. Lemmon ran forward and called down the hatch that he knew the lieutenant and that he was American. The crew thought Lemmon had been duped and stayed below. Then Nicholson himself went forward, identified himself, and asked the men to do their duty, but no one paid him any attention. It was after 2 a.m., and Nicholson grew anxious as waves began to build and squalls started to roll in. He ordered the men to the halliards to take in the mainsail. No one obeyed.<sup>12</sup>

The storm moved in, buffeting the *Eleanor* about, and Pierson at the helm recalled her "falling off & coming to[;] as the sea smacked her about she gave a plunge & carried her masts away." The mainmast was first to go, falling straight aft, and seconds later the foremast broke ten feet above the deck and toppled over the side. The falling mainmast broke the transom and opened the deck. The schooner began to take on water in the heavy seas. This disaster brought a half-dozen men on deck, alarmed and now willing to lend a hand, although some still thought they were in British hands, and Norris believed that "the greater part by this Time were intoxicated." Nicholson had a lantern lit on the stump of the foremast, and while a few men began to cut away the wreckage and cables, others ran out a cannon and fired off charges as a distress signal to the *Congress*.

<sup>11</sup> Pierson Deposition (stating that even before Nicholson came aboard, "the People" thought that they were soon to be prisoners and went below); Norris Deposition (describing crew going below and beginning to drink after hearing Nicholson say he was from *Shannon*); Lemmon Deposition (detailing conversation); Murray Deposition (admitting to going below and "staid [*sic*] there with nearly all the crew till after the masts of the Schooner were carried away."), NA Court File.

<sup>12</sup> Nicholson Deposition; Norris Deposition; Lemmon Deposition, NA Court File.

About 3:30 A.M., the *Congress* came within hail, and on hearing what had happened, Smith sent Graham back to the *Eleanor* in exchange for Nicholson. Graham roused his crew to clear away the wreckage—the foremast and the foretopmast, held by their hopelessly tangled rigging, lay alongside the hull, thumping against her—calling them “damned Rascals” and blaming them for dismasting the schooner. He struck to and fro with a rope end and “in return received some blows.” Amidst the roiling seas, Graham and his mostly drunken crew were able to rig a spar to the stump foremast and then raise a small sail which allowed the schooner to approach the two frigates. By 8 A.M. on the eighteenth, the *Congress* passed a cable over and took the *Eleanor* in tow.<sup>13</sup>

Graham went over to the *Congress* at noon and told Captain Smith that the *Eleanor*’s hull was so damaged that he did not think he would be able to save her. Graham suggested that instead of burning the *Swallow*, or ransoming her, that he be made prizemaster. Not only would he bring the *Swallow* into an American port, but he also would use her to tow the *Eleanor* into port as well. Smith agreed, as did Commodore John Rodgers, captain of the *President* and commander of the squadron.<sup>14</sup>

The sea did not cooperate. The gale lasted three days, and although Graham had men at the schooner’s one working pump all day and night, the water in the *Eleanor*’s hold rose steadily. On October 20 she began settling down into the water, and all but two men were taken off. The next day when the towing cable broke in heavy seas, Graham gave up. He ordered the *Eleanor* abandoned, and she sank in the North Atlantic. Graham brought the *Swallow* into Baltimore on November 11, 1812 and had to report to his owner, John Donnell, that his schooner and all his property had been lost.<sup>15</sup>

<sup>13</sup> Depositions of Nicholson, Norris, Lemmon, Graham, Murray, and Pierson, NA Court File. Crawford, “The Navy’s Campaign Against the Licensed Trade,” 168, describes the disaster as follows: “Having too much sail set aft, the schooner pivoted into the wind and broached, the mainmast and then the foremast gave way, smashed the transom, opened the deck, and broke one of the pumps.”

<sup>14</sup> Graham Deposition, NA Court File. Characteristically, Rodgers later gave himself credit for the idea. See microfilm 214, roll 40 (February 6–16, 1816), case no. 808, *The Eleanor* Appellate Case Files of the Supreme Court of the United States 1792–1831, National Archives, Washington, D.C. (“NA Appellate Case Files”), October 17, 1812, entry from extract of *President*’s journal. John Rodgers (1773–1838) was one of the leading figures of the early American navy. Born in Havre de Grace, Maryland, Rodgers received a direct appointment into the navy in 1798, serving as first lieutenant to Captain Thomas Truxtun on the frigate *Constellation*. He was promoted to captain and received command of the *Maryland*, a sloop of war built by public subscription in Baltimore. See Frederick C. Leiner, *Millions for Defense: The Subscription Warships of 1798* (Annapolis, Md.: Naval Institute Press, 2000), 80–92. Although he won no major sea battles in the War of 1812, he was regarded as highly professional, and an excellent seaman and administrator. See Charles O. Paullin, *Commodore John Rodgers: Captain, Commodore, and Senior Officer of the American Navy 1773–1838* (1909; repr. Annapolis: Naval Institute Press, 1967).

<sup>15</sup> Graham Deposition; Foster Deposition, NA Court File.

Commodore Rodgers reported the recent mishap to the secretary of the navy, glossing over what had really happened with the elliptical writing characteristic of that age. Writing on October 17, 1812, he reported his capture of the "Kings Packet" *Swallow* two days before, carrying gold and silver worth \$150,000–200,000, which he transferred to his own ship. Rodgers stated that he initially intended for the *Swallow* to proceed to England as a cartel (manned by her own crew as prisoners until they should be exchanged for American sailors held in England), but "Having fallen in at this moment . . . with the American Schooner *Eleanor*, bound from Baltimore to France, dismasted, induced me to . . . sen[d] her [the *Swallow*] to the U. States in charge of the Master and Crew of the before mentioned Schooner [which] they intend abandoning."<sup>16</sup>

Back in Baltimore, John Donnell did what any other businessman would have done—he hired lawyers and sued. On January 21, 1813, through a pair of Boston lawyers, Charles Jackson and William Prescott Jr.,<sup>17</sup> a Boston merchant named James Perkins, acting as Donnell's agent, filed a "libel" in the United States district court in Boston, the initial proceeding in a maritime prize case, against Captain John Smith and Commodore John Rodgers. The libel, supported by Perkins's sworn statement (based no doubt on an account Graham and others had given Donnell), described the important facts, characterized the charade of pretending to be British as a "deception unlawfully practiced on [the *Eleanor*'s] crew," and blamed the loss of the schooner and property on the "want of care" and "inattention and gross negligence" of Nicholson, who had forcibly removed the schooner's master and mate, taken command, and left the schooner dismasted and irretrievably leaking when the schooner's own officers returned and vainly tried to save her. The libel asked the court for a "monition" summoning Smith and Rodgers to

<sup>16</sup> William S. Dudley, ed., *The Naval War of 1812: A Documentary History* (3 vols.; Washington: Naval Historical Center, 1985–), 1:535–36, J. Rodgers to P. Hamilton, October 17, 1812. Although he did not mention it, Rodgers almost certainly knew Donnell. In the 1790s, Rodgers commanded merchant ships out of Baltimore owned by Samuel Smith, Donnell's cousin and a fellow merchant. Paullin's biography of Rodgers mentions the *Eleanor* only in passing, that on October 15 [sic], the same day that she had captured the *Swallow* with ten tons of gold and silver specie aboard, the *President* "fell in with the American schooner 'Eleanor,' bound for France. As she had recently been dismasted, her master and crew agreed to abandon her and return to the United States with the packet." Paullin, *Commodore John Rodgers*, 261. Ironically, the *President* made only two prizes during that cruise, and Rodgers was notoriously unlucky at the "prize game." See Leiner, *Millions for Defense*, 86–88, 92.

<sup>17</sup> Charles Jackson (1775–1855) was a 1793 Harvard graduate who read law with Theophilus Parsons and was admitted to the bar in 1796. He practiced law in Boston after 1803 but stopped representing Donnell upon his appointment to the Massachusetts Supreme Judicial Court in 1813. He resigned from the bench in 1824. William T. Davis, *Bench and Bar of the Commonwealth of Massachusetts* (2 vols., 1895; New York: Da Capo Press, 1974), 1:637. William Prescott Jr. (1762–1844), the son of the man who led the American troops at the battle of Bunker Hill in 1775, graduated from Harvard in 1783, studied law with Nathan Dane, and was admitted to the bar in 1787. He served as a state legislator, practiced law in Boston, and in 1814, was a delegate to the Hartford Convention. He later served (1818–19) as a judge on the Boston Court of Common Pleas. Davis, *Bench and Bar*, 1:279.

appear in court to bring their own case to adjudicate the status of the *Eleanor* and her cargo, or, alternately, for them to show cause why they should not compensate Donnell for his property losses.<sup>18</sup>

The court decreed Rodgers and Smith to be “monitioned, cited and called to judgment.” The court’s deputy marshal left a copy of the legal papers at Smith’s house in Boston and apparently had himself rowed out to the *President* in Boston harbor to serve Rodgers. Smith and Rodgers retained a leading Boston lawyer, George Blake, to represent them and sent Lieutenant Nicholson to Blake’s office to tell him the whole story. Blake prepared an answer to the libel, which Smith and Rodgers jointly signed and filed in court under oath on February 1, 1813. The answer cited the captains’ duty to cruise, seize, and bring into port for adjudication ships and property thought to be British and stated that they had obeyed their orders to examine all vessels they fell in with, all in conformity to international law and belligerent rights. The *Congress* had spotted the *Eleanor* and sent Nicholson to board her and send her master and papers to Smith. The crew was in great confusion, and no one obeyed Nicholson even though “very soon” after he came aboard “he did truly represent . . . the national character of the two Ships of War by whom they had been detained.” The squall carried both masts overboard and wrecked the schooner, but it was not for want of care or misconduct by Nicholson. Nor had Smith detained Graham in the *Congress* longer than necessary to examine him and his papers. According to Rodgers and Smith, they had done nothing wrong, and after the “disaster” they had done everything possible to save the crew and help Graham save the schooner. The answer asked the court to dismiss the libel.<sup>19</sup>

Within days, the court issued commissions allowing the lawyers to depose important witnesses in Boston and Baltimore. Under the procedures then in force in the courts, depositions were not verbatim oral accounts but summaries, written down as a narrative by a disinterested person appointed by the court, with an opportunity for lawyers for each side to ask additional questions. Within a month or so, Lieutenant Nicholson, Graham, Lemmon, Pierson, Foster, and other seamen from the *Eleanor* had provided depositions in Boston and Baltimore as to what had happened. But there was a war to be fought, and the litigation remained

<sup>18</sup> NA Court File, Libel, January 21, 1813. A “monition” in admiralty practice was “the summons to appear and answer, issued on filing the libel. . . . With the unification of the Admiralty Rules and the Federal Rules of Civil Procedure in 1966, the monition was abolished.” *Black’s Law Dictionary* (St. Paul, Minn.: West Publishing Co., 1979), 907.

<sup>19</sup> NA Court File, Monition, January 21, 1813, and Answer, February 1, 1813. George Blake (1769–1841), a 1789 Harvard graduate, studied law with James Sullivan, the Attorney General of Massachusetts, before he was admitted to the bar in 1792. President Thomas Jefferson nominated Blake to be the U.S. Attorney for Massachusetts in 1801, and he served until 1829. Davis, *Bench and Bar*, 1:436. U.S. Navy officers with prize claims often retained the local U.S. Attorney to represent them personally.



dormant for many months as Rodgers and Smith attended to more important matters.<sup>20</sup>

The district court finally ruled on the case on October 14, 1815, almost three years to the day after the *Eleanor* had been lost at sea. The War of 1812 had been over for eight months, and Captain Smith had died after a lingering illness two months earlier, in August 1815.<sup>21</sup> Judge John Davis's decree was short and decisive. Based on the pleadings and depositions, the evidence showed that the *Eleanor* and her cargo had been lost because Graham had been "deprived of the command of his vessel and from the insubordination of the Crew during his absence." Turning to the nub of the matter, Judge Davis wrote that the

temper of the Crew appears to have been induced altogether by the indiscreet and unnecessary imposition which was practiced on the part of the captors, by which a conviction was produced that the Frigates were British, a persuasion which the subsequent explanation could not remove. Such deception is indeed admissible [permissible?] in war in relation to the Enemy — but the Belligerent adopts it at his peril — and if an innocent party is injured by the indulgence of such a practise, there should be adequate redress.

In passing, Judge Davis commented that if Captain Smith were still alive he would be liable.<sup>22</sup> Although the court recognized that Commodore Rodgers had had no personal involvement in stopping and examining the schooner, the court held him liable as the commander of the squadron and entered a decree against him for the full value of the *Eleanor* and her lost cargo, \$43,250.<sup>23</sup>

<sup>20</sup> On a cruise in July 1813, months after he had been served with the libel, Rodgers sent an officer from his ship, the *President*, over to the British whaling ship *Eliza Swan*, which the *President* had stopped. Rodgers tried the same *ruse de guerre* that Smith and Nicholson had used, although Rodgers had his officer don the uniform of a Royal Navy officer. See Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis, Md.: Naval Institute Press, 1999), 13–30.

<sup>21</sup> *Niles Weekly Register*, vol. 8, no. 24, Saturday, Aug. 12, 1815, page 420, noted that Captain John Smith had died in Philadelphia "on Monday last [August 7]. He had been long indisposed." Smith was one of the more obscure figures from the early navy. There is no biography of him.

<sup>22</sup> It is unclear why the death of Smith ended his liability, or the liability of his estate. In his contemporary treatise on prize law, Supreme Court Justice Joseph Story wrote that the admiralty court "may proceed to make its decree as well after as before the death of the parties; for in proceedings *in rem* [from the Latin "against the thing"; in prize proceedings, the ship was the center of the controversy] the suit does not abate by the death or absence of all or any of the parties named in the proceedings." Anonymous [Joseph Story], "Additional Notes on the Principles and Practice in Prize Causes," 15 U.S. (2 Wheaton), Appendix, Note 1, p. 68 (1817). Despite earlier authority from the Supreme Court (which Story cited), apparently Donnell's lawyers never sought to substitute Smith's estate or representative for the late captain.

<sup>23</sup> NA Appellate Case Files, Decree of the District Court, October 14, 1815. John Davis (1761–1847) was admitted to the bar in 1786. The youngest member of the Massachusetts convention called to

For Rodgers, the decree was both an injustice and a potential calamity. Earlier in 1815, President Madison had nominated him, and the Senate without a dissenting vote had confirmed him, to be president of the board of navy commissioners, a rough equivalent to the British lords of the Admiralty, making Rodgers the professional head of the U.S. Navy. Though the glory he craved had eluded him during the war just ended, he had taken some remunerative prizes like the *Swallow*, but the decree of \$43,250 against him for the loss of the *Eleanor* was a vast fortune, more than ten times his annual salary. He could not look forward to paying such a huge amount with equanimity, although there was precedent for Congress reimbursing officers against whom monetary judgments had been entered in the prize “game.”

Through his lawyers, Rodgers immediately noted an appeal of the district court’s decree. In the federal judicial system in those days, the court of appeals consisted of the district judge who had heard the case and the Supreme Court justice in charge of the circuit; the court of appeals met twice yearly, in May–June and in October–November, when the Supreme Court justices literally “rode the circuit.” Judge Davis had entered his decree in *Perkins v. Smith* with an eye to the appeals calendar, because Supreme Court Justice Joseph Story, a scholar of maritime prize law as it happened, was just then in Boston hearing appeals.<sup>24</sup>

The case was in a curious posture. Rodgers and Smith had filed a joint answer in the district court, and George Blake had mounted a joint defense based on notions of belligerent rights and characterizing the loss of the schooner as an accident. Blake’s answer had not differentiated factually what Smith had known and done from what Rodgers had known and done. That strategy was not sound to begin with, but with Smith dead, Rodgers was left holding the bag, as it were. Blake decided to try to change the facts on the ground. How to change the facts was the trick: Rodgers and Smith had sworn to the truth of their answer in the district court, and neither Rodgers nor Smith had given a deposition. Under the Judiciary Act of 1789, “new” facts could be asserted in an admiralty case after the district court had ruled, given the difficulties of communications in the age of sail. Blake tried an audacious gambit—to have Rodgers change his answer to the libel to introduce additional facts into the record. On Monday, October 16, 1815, Rodgers filed an amended answer, repeating much of what he and Smith had stated in the

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ratify the Constitution, Davis served in the state legislature before President Washington appointed him Comptroller of the U.S. Treasury (1795) and then the U.S. Attorney for Massachusetts. In 1801, President Adams nominated Davis to the federal district court, where he served for forty years. His judicial career was “characterized by patience, urbanity, and sound discretion, and his exploration of the then almost untrodden paths of admiralty and maritime jurisdiction laid the legal profession under lasting obligations to him.” *Dictionary of American Biography* (New York: Charles Scribner’s Sons, 1933), 5:132–33.

<sup>24</sup> As to the circuit court’s terms, see R. Kent Newmyer, *Supreme Court Justice Joseph Story: Statesman of the Old Republic* (Chapel Hill: University of North Carolina Press, 1985), 317.

initial answer but providing two potentially crucial additional facts. First, he stated that, at all relevant times covered in the libel, he had been aboard the *President*, specifically when the *Congress* brought the *Eleanor* to and when the squall engulfed the schooner with such violence, and he asserted that the *President* was not in sight of the schooner during those times. Even more significantly, he asserted that he had not ordered Smith “by word writing or signal to pursue or detain the said vessel *Eleanor*,” and by logical implication he had had nothing to do with Nicholson pretending to be British.<sup>25</sup>

In support of his amended answer, Rodgers had the relevant pages of his journal aboard the *President* for October 16–20, 1812, copied out and attached to his amended answer. The passage for October 16, 1812 read in part:

At 11 P.M. discovered a strange sail in the west, which soon after showed herself to be a Schooner and having about this time discovered us hauled by the wind on the starboard tack her head to the westward[;] fired a shot towards her to bring her to; at the same time the *Congress* gave chase — latter part stiff Gales and equally disagreeable weather: at day light the *Congress* made the signal to speak [to] me: and soon after was informed by Captain Smith that the Schooner he had brought to was the *Eleanor* of Baltimore belonging to Mr. John Donnell of that place; and that she was dismasted. On receiving this information stood to the westward to fall in with the Schooner and render her assistance.<sup>26</sup>

Donnell’s lawyers, William Prescott Jr., and Samuel Hubbard, tried to stop Rodgers from shifting the ground from under them.<sup>27</sup> In an eight-page screed called “Remarks of Counsel” that opposed the motion for leave to amend the answer, Prescott and Hubbard pointed out that Blake had counseled both Smith and Rodgers. The idea that Rodgers was not in sight and wholly ignorant of what was happening was “an after thought,” a lawyer’s trick hit upon only after Smith had died and Rodgers had lost in the district court. There was no “intimation of the kind when the evidence for the compl[ainan]t [Donnell] was taken, tho’ the Counsel of the Respondent [Blake] attended & put sundry questions to the witnesses.” Prescott and Hubbard pointed out that Nicholson’s deposition referred to both Smith’s and Rodgers’s frigates, as when he narrated how he tried to “unde-

<sup>25</sup> NA Appellate Case Files, Amended Answer, October 16, 1815.

<sup>26</sup> NA Appellate Case Files, Extract from “Journal of Occurrences, Remarks and Historical Events &c made on board the United States Frigate *President* John Rogers [sic] Esquire Commander.”

<sup>27</sup> Donnell’s lawyers are listed in NA Appellate Case Files as William Prescott Jr., and Samuel Hubbard (1785–1847), an 1802 Yale graduate who practiced law in Maine before coming to Boston in 1810. He was associated with Charles Jackson and had represented Donnell at one of the depositions taken two years before. In 1842 he was appointed to the Massachusetts Supreme Judicial Court, where he served until his death. Davis, *Bench and Bar*, 1:169.

ceive" the schooner's crew with the "true character" of both ships. Years had gone by, and Prescott and Hubbard had been deprived of the opportunity of probing Rodgers's new defense with questions at the seven depositions. With Smith now dead, they could not ask him about what Rodgers may have said or signaled. Moreover, the *President's* journal excerpts did *not* truly corroborate Rodgers's sworn amended answer. The extract noted that a lookout on the *President* had spotted the *Eleanor* at 11 P.M., and fired a shot to bring her to (a fact that Nicholson had not mentioned in his deposition; only one of the seven deponents had referred to a third cannon shot). The *President's* shot might be interpreted as Rodgers's signal to Smith to pursue the schooner and in any case was certainly grounds to conclude that Rodgers had helped in the chase of the *Eleanor*. Indeed, all of the deponents had mentioned that the *President* was in sight of the *Eleanor* when the chase began, and thus it should be impossible to state as a matter of law that she had not "participated." Warming to the cause, Prescott and Hubbard pointed out that if Smith had found probable cause to think that the *Eleanor* was really a British ship, and had sent her to an American port for adjudication, who could doubt that Commodore Rodgers would not have put in a joint claim for prize money with Captain Smith, "greedy for his share of the spoils as he is now solicitous to shrink his neck from the noose?"<sup>28</sup>

The Court of Appeals for the First Circuit nevertheless granted the motion and allowed the amended answer. Its reasoning is not set forth in the records. That same day, however, the Court of Appeals affirmed the district court decree "pro forma" (without a separate opinion) and without prejudice to either party (apparently to keep the parties in the posture they had at the moment of appeal).<sup>29</sup>

Rodgers's only hope legally was the Supreme Court. To buttress his amended answer, on December 8, 1815, Rodgers filed an affidavit explaining why he filed the amended answer into the circuit court record for the benefit of the Supreme Court, which would get the entire record on appeal. He described how, after he had been served with the libel, he had asked Lieutenant Nicholson to provide a written statement to George Blake of what had happened the night of October 16–17, 1812, and that when he (Rodgers) and Smith had called upon Blake on February 1, 1813,

<sup>28</sup> NA Court File, Remarks of Counsel, undated.

<sup>29</sup> NA Appellate Case Files, Circuit Court affirmance "pro forma and without prejudice to either party" noted, October 16, 1815. Following the custom of the judiciary in those days, the file notes that Judge Davis did not vote on the decision from his own ruling. The Judiciary Act of September 24, 1789 is found at chap. 20, 1 Statutes 89 (1845). Joseph Story was one of the great legal scholars and judges of the early republic. As noted above, he wrote treatises on prize law which appear anonymously in two volumes of the Supreme Court reporter. See "On the Practice in Prize Causes," 14 U.S. (1 Wheaton) 494–506 (1816) and "Additional Notes on the Principles and Practice in Prize Causes," 15 U.S. (2 Wheaton), Appendix, Note 1, 1–80. The standard biography of Story is Newmyer's *Supreme Court Justice Joseph Story*.

to sign the answer, it “appeared on a hasty and cursory examination to contain a correct statement of the principal and most prominent circumstances.” Like countless clients before and since, Rodgers claimed to have signed the answer without “minute consideration” of all the facts and what they suggested. He stated that he had told Blake in private discussions that Smith had detained the schooner without “any particular order, privity or agency on [Rodgers’s] part,” and the use of those legal terms in his affidavit showed that, if he had not paid much attention three years earlier in signing the answer, he was taking legal advice now. Smith might be liable, Rodgers added, but he himself should be “regarded as in reality I was, a perfect Stranger” to the loss. Finally, if his initial answer could be construed as a joint defense, it owed “altogether to the misapprehension of my counsel Mr. Blake,” and was contrary to his own intentions.<sup>30</sup>

The appeal of *John Rodgers v. The Schooner Eleanor and Cargo* was filed in the Supreme Court in February 1816, and the Court heard oral argument in what it called *The Eleanor* on March 12, 1817.<sup>31</sup> Both sides deployed famous lawyers. On behalf of Commodore Rodgers, Francis Scott Key argued that, as a matter of law, a squadron commander could not be liable for the actions of his captains and their subordinates, whom he did not select and to whom, in this case, the squadron commander gave no orders to practice a ruse. No officer, Key said, would undertake “so frightful a responsibility” as legal liability for every officer under his command, and to impose it would “incapacitate” a commander from exercising his wide responsibilities.<sup>32</sup>

Strong responses came from Donnell’s two lawyers. David B. Ogden denied

<sup>30</sup> NA Appellate Case Files, Affidavit of John Rodgers. Interestingly enough, Rodgers swore out his affidavit before Gabriel Duvall, an Associate Justice of the Supreme Court, who apparently saw no appearance of impropriety in either the extra-judicial contact or in assisting a litigant soon to come before him. Rodgers swore to his amended answer before James Morsell, “assistant judge” of the Circuit Court for the District of Columbia, on December 20, 1815. On December 26, 1815, George Blake provided his own affidavit into the record, asserting that the facts in Rodgers’s affidavit related to their conversations were “correct in every particular,” that Rodgers had always told him that he wanted to assert the factual defense that he had no connection with Smith, and that he never meant to implicate Rodgers in Smith’s acts. Affidavit of George Blake, December 26, 1815. It is rare that an attorney will essentially concede his malpractice. Moreover, at least according to modern notions of legal ethics, it seems odd that Blake was oblivious to the potential conflict of interest between his two clients, Rodgers and Smith, who, from the onset of the case, potentially had adverse interests.

<sup>31</sup> Microfilm 216, roll 1 (1791–1834), case no. 808, *John Rodgers v. The Schooner Eleanor and Cargo*, Dockets of the Supreme Court of the United States 1791–1860, National Archives, Washington, D.C.

<sup>32</sup> *The Eleanor*, 15 United States Reports (U.S.) (2 Wheaton) at 348–51. Francis Scott Key (1779–1843) was born in what is now Carroll County, Maryland, and was educated at St. John’s College in Annapolis. Admitted to the bar in 1801, he moved to Georgetown where he practiced law with his uncle, Francis Barton Key, and developed a substantial federal court practice. In September 1814, from a British ship in the Chesapeake Bay, he witnessed the British bombardment of Fort McHenry, which inspired him to write “The Star Spangled Banner.” Key was the U.S. Attorney for the District of Columbia from 1833 to 1841. *DAB*, 10:362–63.

that the right of a belligerent in wartime to visit a ship and examine her papers allowed taking the master out of his ship, "leaving the original crew without control or regulation," unless the ship was considered a prize. Similarly, Nicholson, "a mere passive instrument in the hands of his superiors," had the right to practice a *ruse de guerre* such as pretending to be the enemy, but that right, which "caused a *wrong* to a neutral or fellow citizen, must be exercised at the peril of the captors." Ogden asserted that had the schooner been thought a valid prize, Rodgers and Smith would have put in a joint claim for the proceeds. It stood to reason, then, that on the opposite side of the ledger, if they should be assessed a loss, they should be jointly liable. Although the *President* was not in sight at the time the *Congress* stopped and boarded the *Eleanor*, Rodgers's ship was present when the legal wrong began, and he did nothing to stop it.<sup>33</sup>

Robert Goodloe Harper made two additional points for Donnell. First, citing precedent from the Supreme Court and the English High Court of Admiralty, he argued that assessing liability on the owners of privateers and on commanding officers of squadrons for the misconduct of their subordinates was not new but in fact a settled principle of prize law.<sup>34</sup> This was not a case of extending liability to a commander removed in time or space from the act because Rodgers had been present at the outset, and "associated" in the act, of the wrong. Second, while Harper conceded that "the *proximate* cause of the loss [of the *Eleanor*] was the

<sup>33</sup> 15 U.S. at 351–52. David Bayard Ogden (1775–1849), a nephew of Gouverneur Morris, graduated from the University of Pennsylvania in 1792 and was admitted to the bar in 1796. A renowned Supreme Court advocate, he was a "great fund of legal learning . . . able to present his case with remarkable directness." Chief Justice Marshall said that when Ogden "stated his case, it was already argued." *DAB*, 13:638–39.

<sup>34</sup> In *Del Col v. Arnold*, 3 U.S. (3 Dallas) 333, 334–35 (1796), Arnold was the owner of an American brig called *Grand Sachem* which was seized by a French privateer owned by Del Col off Charleston before a British frigate captured the privateer and drove the brig to run aground, when she was abandoned, scuttled, and plundered. The district court found in favor of Arnold, and the Supreme Court affirmed on appeal, noting that the "owners of the privateer are responsible for the conduct of their agents, the officers and crew, to all the world; and that the measure of such responsibility is the full value of the property injured, or destroyed." In *Der Mohr*, 3 C. Rob. 129 (1800), and 4 C. Rob. 314 (1802), a neutral merchant ship, sailing from an enemy port and presumptively carrying cargo belonging to the enemy, was stopped by a British squadron, an action the court found "perfectly justifiable." The parties themselves were "entirely free from every imputation of blame." The British prizemaster put aboard the seized ship refused to allow a pilot on board to navigate the ship through difficult waters, and the ship and her cargo were lost after a sudden shift of wind put the ship aground. The court called the prizemaster's conduct "ignorance and obstinacy united," and the court found that the ship was lost because of his misconduct. Because the prizemaster was the agent for the squadron's captains, the claimant (the neutral shipowner) was entitled to the value of the ship and the cargo. The High Court of Admiralty judge (Sir William Scott, later Lord Stowell) called the case between the innocent shipowner who lost everything and the British captains, who did nothing wrong, "calamitous." The *Der Mohr* opinions are reprinted in George Minot, ed., *Reports of Cases Argued and Determined in the High Court of Admiralty Commencing with the Judgments of the Rt. Hon. Sir William Scott*, Vol. 3 (Boston: Little, Brown & Co., 1853).

refusal of the seamen to work," the "*ultimate* cause was the deception practiced by the captors in representing themselves as enemies." The crew's refusal to listen to Nicholson was "a consequence of the strategm practiced by the captors," who practiced ruses at their risk, not at the expense of their innocent and law-abiding countrymen. He asked the court to apply the doctrine of *respondeat superior*, from the Latin "let the master answer" for the wrongful acts of his servant, and hold Rodgers liable.<sup>35</sup>

In rebuttal was Rodgers's other lawyer, Walter Jones, who contended that Harper was simply wrong and that nothing Nicholson had done had caused the loss of the schooner, directly or indirectly. According to Jones, Nicholson had exercised the right of visitation and inspection lawfully and carefully. Smith had simply looked over the *Eleanor*'s papers and let her go, and never had claimed her to be his prize. Moreover, according to Jones, Harper's reliance on precedent was misplaced. A squadron commander indeed might be held liable as a result of a joint *capture* because he participated in the wrong and had an interest in the possible prize, but simply put, Smith and Rodgers had not seized the *Eleanor*—they had not relieved Graham of command—and therefore legally they had not captured her. Assessing liability on Rodgers, Jones claimed, would be wholly based on a legal fiction, that he controlled the acts of officers in other ships, whereas the reality was "all that he knew, or permitted, was the chase."<sup>36</sup>

The issues in the *Eleanor* case were critical for the navy, and the facts were nicely in balance. On the one hand, had Nicholson announced his true identity the moment he clambered aboard the *Eleanor*, it is hard to think the crew would have refused to work the ship. Alternately, had he realized that, by carrying cannon, the *Eleanor* could not be sailing under a British license, he presumably would have announced his identity and quickly departed. By carrying on with the *ruse de guerre*, the ship was lost. Still, personal liability imposed on higher naval commanders for the acts of their subordinates out of their immediate control and not

<sup>35</sup> 15 U.S. at 352–54. Robert Goodloe Harper (1765–1825), born in Virginia, fought in the Carolinas during the Revolution, graduated from Princeton in 1785, and settled in Charleston, S.C. Elected to Congress as a Federalist, he spent three terms in the House of Representatives. In 1801 he moved to Baltimore, married into the Carroll family, practiced law, and appeared in more Supreme Court cases between 1800 and 1815 than any other lawyer. A major general in the defense of Baltimore in 1814, he served in the U.S. Senate (1815–16) from Maryland and ran for vice president in the Federalist Party's last national campaign in 1816. *American National Biography* (New York: Oxford University Press, 1999), 10:128–29.

<sup>36</sup> 15 U.S. at 354–55. Walter Jones (1776–1861), whose father was a Republican congressman from Virginia and a friend of Jefferson's, read law with Bushrod Washington in Richmond and served as U.S. Attorney for the District of Columbia from 1802 to 1821. A learned man, he had an unimpressive courtroom presence in an era of great orators. He took part in the disastrous 1814 battle of Bladensburg before the British captured and burned Washington. As an old man, he spoke out against Virginia's secession from the Union. *DAB*, 10:203–04.

following their direct orders seemed a ruinous way to run a navy. Nevertheless, control was *not* really attenuated here. Rodgers's own ship had fired over the fleeing *Eleanor* to have her heave to, so it was not farfetched to assert that Rodgers had contributed to stopping the *Eleanor*. And although the *Congress* may not have seized the *Eleanor* in the legal sense, the point that Donnell's lawyers made—that had the *Eleanor* truly been British and been made a prize, Rodgers surely would not have said that he was not involved in the chase—was obviously correct, albeit complete speculation. From the perspective of the innocent owner of the merchant ship, John Donnell, the loss of his \$43,250 investment in ship and cargo was intolerable. *He* had not asked the navy to stop his ship or to practice stratagems to see if the schooner were truly American. *She* was truly American, but in the process of verifying her papers, with her own master and first mate ordered away, and with the American lieutenant pretending to be British, he had lost everything.

In the Court's unanimous opinion on March 15, 1817, Justice William Johnson recognized that no matter how the Court ruled, there would be "extreme hardship."<sup>37</sup> Either Donnell would be left with "no means of indemnity" or liability would fall on men "whose characters and conduct were so far above all imputation of malice or oppression." The Supreme Court refused to lay down a general rule of liability or non-liability, deciding to treat each case on its own particular facts. Justice Johnson opined, however, that "in case of positive or permissive orders, or in case of actual presence and co-operation, there could be no doubt of [a squadron commander's] liability," and, similarly, that liability would attach if "a capture has actually taken place with the assent of the commodore, express or implied." Nevertheless he drew the line on "mere trespasses [legal wrongs] unattached with a conversion to the use of the squadron."<sup>38</sup> The Court did not fasten liability onto John Rodgers. Despite the extract from the *President's* journal indicating that a shot had been fired to bring to the *Eleanor*, and eyewitnesses who had seen both frigates when the schooner tried to escape, the Court rejected the notion that the *President* had "actual presence and co-operation," and accepted Rodgers's version of what he knew and did.

<sup>37</sup> William Johnson (1771–1834) of South Carolina was President Jefferson's first appointment to the Supreme Court, where he served from 1804 until his death. He was the justice most independent from Chief Justice Marshall, with whom he served for thirty years. A Princeton graduate, Johnson read law with Charles Cotesworth Pinckney in Charleston and was admitted to the bar in 1793. He served in the South Carolina legislature and on the highest state court before his selection, at age thirty-two, to the Supreme Court. Although considered able and eloquent, Johnson had his detractors, including John Quincy Adams, who found him "turbulent" and "hot-headed." See Donald Morgan, "William Johnson," in *The Justices of the United States Supreme Court: Their Lives and Major Opinions*, Leon Friedman and Fred Israel, eds. (1969; New York: Chelsea House Publishers, 1997), 1:202–20.

<sup>38</sup> 15 U.S. at 356–57.



Turning to captains of individual ships, the Court had a different analysis. The "absolute subordination of every officer [in a ship, to his captain] attaches to [the captain] the imputation of the marine trespasses of his subalterns on the property of individuals, when acting within the scope of his commands." Had Captain Smith or Lieutenant Nicholson acted negligently or without care, the Supreme Court would "have found no difficulty" in assessing liability on the late captain. But, after searching the evidence, "no one act is proven in this case which did not comport with the fair, honorable, and reasonable exercise of the rights of war."<sup>39</sup> First, Nicholson's ruse of pretending to be British was a legitimate false practice, so "familiar and frequent . . . that it ought rather to be expected than the display of real colours." There was "nothing reprehensible" in the stratagem, and it did not give the schooner's crew an excuse for "abandoning their duty."<sup>40</sup>

The Court dismissed the notion that Nicholson had abused the right of search by essentially decapitating the leadership of the schooner by ordering *both* Graham and Kirk to the frigate. The Court acknowledged that bringing both of the "principal officers" for examination was "irregular." Although that was the testimony of Graham and Lemmon, the Court believed Nicholson, who had testified that, following Smith's orders, he had told Graham to choose one of his mates, and since Foster was in the bow tossing the dispatches over it was Graham who had chosen to bring his first mate along. It was unclear why Donnell's lawyers thought there was legally a difference between leaving the first mate and leaving the second mate with the ship, but the Supreme Court thought Kirk's absence might have made the difference, noting that had Graham objected to Kirk going with him, he "would have done his duty, and perhaps saved his vessel." Nevertheless, in the absence of the other officers the men were bound to obey Foster, through whom Nicholson tried to maintain control of the ship.<sup>41</sup>

Similarly, the Court rejected the idea that Captain Smith should have sent over an adequate crew to handle the *Eleanor* safely, and that his failure to do so caused the loss. Had the *Eleanor* been "seized" as a prize, Justice Johnson wrote, her own crew would have been released from their obligation to do their duty. But Nicholson had merely detained the *Eleanor* to search her and examine her papers and had never taken possession of her from her rightful officers. Smith was allowed to exercise the right of search from his own ship by bringing the master with the schooner's papers to him. In doing so, Smith followed authorized rights of war, and "all the misfortunes which followed resulted to the appellees from the

<sup>39</sup> 15 U.S. at 357–58.

<sup>40</sup> 15 U.S. at 359–60. Although Justice Johnson attempted to buttress Foster's role, writing that Nicholson did not divest him from the command, Foster seems to have been a passive order-taker while Nicholson was aboard, not in command.

<sup>41</sup> 15 U.S. at 360–61.

fault or folly of their own crew." The Supreme Court reversed the judgment of the circuit court, and dismissed the case.<sup>42</sup>

With the case over, John Rodgers cleared the last lingering liability from his war service and continued his long tenure as president of the board of navy commissioners and the senior officer in the navy. It is unclear whether any part of the *Eleanor* or her cargo was insured, or if John Donnell had to bear the full loss. But the War of 1812 had seen major financial gains for him as well; his ownership interest in the privateer *Sabine* netted Donnell approximately \$193,500 as the result of four prizes.<sup>43</sup>

*The Eleanor* established some important precepts for the Navy. First, in general terms, the case set forth when a squadron or fleet commander might be liable for misconduct of subordinates under his command and indicated that such liability was quite limited because, as Justice Story pointed out in his famous prize law treatise, "if the court was once to open the door to complaints founded on remote and consequential responsibility, it would be difficult to say where to stop."<sup>44</sup> But the case also set forth contours of acceptable practice of stopping and searching vessels on the high seas, making clear that, in war, a belligerent has a right to stop and search. Within that right, naval officers can resort to "legitimate" ruses to test the truthfulness of the papers of the stopped ship without risking liability for property loss that might occur, and can bring the officers of the detained vessel to their own ship. Potentially these rules, which seem so antiquarian in an age of guided missiles and satellite communications, have taken on new significance two hundred years after the *Eleanor* was lost at sea, as American warships have stopped and searched foreign-flagged vessels in the Persian Gulf and Pacific Ocean for munitions and atomic materials.

<sup>42</sup> 15 U.S. at 361–62.

<sup>43</sup> Garitee, *The Republic's Private Navy*, 273.

<sup>44</sup> Anonymous [Joseph Story], "Additional Notes on the Principles and Practice in Prize Causes," 15 U.S. (2 Wheaton), Appendix, Note 1, p. 14 (citing *The Eleanor*) (1817).

# Bridging Port Deposit “Off from the World and the Rest of Mankind”

MILT DIGGINS

Early in the nineteenth century, before railroads, few challenged the right to navigate an unobstructed waterway, even one with limitations like the Susquehanna. Rafts and flat-bottom arks descending the Susquehanna in the usual—but not always so—high waters of spring risked rocks, shoals, and snags along the river to float Susquehanna valley products from New York and central Pennsylvania hinterlands to river ports for transfer to Baltimore, Philadelphia, and other cities on the East Coast. Between the fall line and the river’s mouth, laden schooners and steamboats easily navigated the deeper tidewater, except when severe winters choked the river with ice and then released ice gorges in early spring. Chesapeake-bound river goods—primarily lumber, coal, and grains—arrived at a port of deposit for transshipment. Most was bound down the Chesapeake to Baltimore or to Philadelphia via the Chesapeake and Delaware Canal. Aptly-named Port Deposit, on the Cecil County side of the river near the fall line, prospered from this trade, especially in processing and transshipping lumber. The Susquehanna and Tide-Water Canal, following the Harford County river bank, enabled vessels to avoid difficult sections in the river before leaving the canal at Bell’s Ferry, across from Port Deposit, or continuing on to the canal basin at Havre de Grace, where barges would be towed to market destinations.

The Philadelphia, Wilmington & Baltimore Railroad regarded the river differently from those who depended on it for transportation. From the railroad’s perspective, the river disrupted transport, imposing delay between Philadelphia and Baltimore. At the river’s edge, trains stopped for a cumbersome time-consuming operation. Uncoupled from the engine, the cars were rolled onto rails atop a steam ferry, and passengers boarded on the deck below for the crossing between Perryville and Havre de Grace. On the opposite shore, cars were reconnected to a waiting engine and passengers re-boarded to continue the journey. Rough weather often brought the operation to a halt. “The loss of half an hour at all times in crossing the Susquehanna river, and the uncertainty of crossing at all during the prevalence of severe weather, are serious evils,” complained the railroad superintendent.<sup>1</sup> From the company’s perspective, a bridge would offer an

<sup>1</sup> *Minute Book of the Philadelphia, Wilmington, and Baltimore Railroad*, December 31, 1852, Pennsylvania Railroad Company, Corporate Records, 1828–1968, Hagley Museum and Library, Wilmington, Delaware (hereafter cited *Minute Book*).

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obvious solution. In 1847, ten years after the route began, the railroad company petitioned Maryland's General Assembly for permission to construct a bridge at the river's mouth between Havre de Grace and Perryville.

This proposed solution initiated a struggle that lasted nearly twenty years. Some communities and businesses dependent on Susquehanna River commerce perceived in the Philadelphia, Wilmington & Baltimore Railroad's solution a potential economic disaster. Conflict arose between those who insisted on protecting the traditional right of unobstructed navigation and those convinced that speedier, more reliable rail transportation should not encounter unnecessary delay. Competing local, state, and regional interests sharpened the issue. Even after the legislature apparently resolved it, problems related to navigation, bridge design, and railroad expansion persisted before the railroad finally constructed the bridge. Once the structure was built, opponents found their attention had been misplaced.

The most vocal outcry against the legislative proposal to authorize the bridge came from citizens of Port Deposit and the surrounding area, who reacted to the proposal with "energetic opposition" and "deemed such a structure a serious obstruction to navigation" that would damage trade and consequently destroy the prosperity of the town.<sup>2</sup> Palmer C. Ricketts, editor of the *Cecil Whig*, championed Port Deposit's stand against the bridge. "The interest of Port Deposit is considered to be the interest of the whole county, and it is thought that the bridge would almost ruin the thriving town."<sup>3</sup> Ricketts acknowledged "a diversity of opinion touching this matter in this county" but assumed the majority of people in the county opposed the bridge.<sup>4</sup>

Another Cecil County community, Chesapeake City, sitting astride the Chesapeake and Delaware Canal, also spoke out against the bridge. The C&D Canal Company and town residents feared that a bridge at the Susquehanna's mouth would interfere with shipping and reduce canal traffic from the Susquehanna to Philadelphia.<sup>5</sup> In addition, a reduction in the railroad's transport time between

<sup>2</sup> Charles Dare, *Philadelphia, Wilmington, and Baltimore Railroad Guide: Containing a Description of the Scenery, Rivers, Towns, Villages, and Objects of Interest along the Line of Road including Historical Sketches, Legends, &c.* (Philadelphia, 1856), 59–60. One of the earlier corporations combining with other roads to create the PW&B Railroad was the Baltimore and Port Deposit Railroad. As the name implies, this road was originally to run to Port Deposit, but the terminal point was changed to a ferry at Havre de Grace, and Port Deposit was dropped from the route. Lingering resentment may have contributed to the opposition and the concomitant attempts to relocate the bridge closer to Port Deposit.

<sup>3</sup> "The Bridge at Havre de Grace," *Cecil Whig*, March 6, 1847.

<sup>4</sup> "The Bridge Battle," *Cecil Whig*, March 25, 1848.

<sup>5</sup> James Weston Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780–1860* (Harrisburg: Pennsylvania Historical and Museum Commission, 1947), 94. Livingood's analysis of the Baltimore-Philadelphia trade rivalry took notice of the connection between reduced Susquehanna trade activity

Baltimore and Philadelphia would give the railroad an additional competitive advantage over transit on the C&D Canal.

When the bill authorizing bridge construction was introduced in the General Assembly in 1848, the Cecil delegation led the opposition. By adding unattractive amendments and log-rolling votes with legislators who wanted to pass a lottery bill, bridge opponents narrowly defeated the bill. Ricketts applauded the outcome, crediting the victors with standing up to "greater extraneous influences . . . brought to bear upon the legislature in favor of the Rail Road Company, than were ever, in any case, exercised upon any previous legislature."<sup>6</sup>

Bridge foes portrayed the railroad company as a sinister Goliath, well-armed with resources. A writer to the *Whig* praised the Cecil County legislators—except for one "Judas" who voted for the bill—for their stand "against such a powerful combination of men, money and talent . . . [and] a powerful, though irresponsible company, endeavoring to trample upon the rights and privileges of citizens of this state."<sup>7</sup>

Pro-bridge writers to the *Whig* did not think the Cecil delegation deserved admiration for their role in defeating the bill. One letter signed "Many Citizens of Cecil," criticized the legislators for supporting the lottery bill, "a work of questionable morality," in return for votes "to defeat an enterprise of positive utility."<sup>8</sup> In Cecil County, support for the bridge followed the line of the PW&B Railroad—Elkton, North East, Charlestown, and Perryville. Residents of these towns expected the bridge to increase traffic on the railroad and in turn contribute to their own prosperity. The bill's allowance for a bridge wide enough for a carriage way to accommodate local traffic beside the railroad tracks induced the support of local business owners and residents who welcomed a convenient way to travel across the river.

Broader public support for the bridge could be found in Harford County. George Keatinge, editor of the *Harford Madison*, advocated building the bridge, and newspapers on both sides of the river commented on the active support in Havre de Grace. The preponderance of petitions to the legislature from Harford County favored the bridge. In 1848 only one Harford delegate voted against the bridge. Subsequent Harford delegations wholly favored it.

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and canal traffic. "Three times within the first fifteen years of the canal's existence, it was reported that revenues on the Chesapeake and Delaware Canal had fallen because of navigation conditions on the river."

<sup>6</sup> "The Bridge Battle," *Cecil Whig*, March 25, 1848.

<sup>7</sup> "The Bridge Battle—Another Fire," *Cecil Whig*, April 1, 1848.

<sup>8</sup> *Cecil Whig*, March 25, 1848.

## Ice Reheats the Debate

After the bridge bill defeat in 1848, the issue faded from the public forum. In January and February 1852 thick winter ice halted railroad ferry operations on the Susquehanna. The railroad company improvised, leveling a path through the build-up of rough ice to carry mail and baggage across by sleigh and to enable passengers to walk across on wooden planks. Worried that the steam ferry would remain locked in ice for weeks, the railroad improvised, laying tracks across the ice for horses to pull the cars across the frozen river. This makeshift solution lasted for nearly a month and a half and drew national attention. The ice revived the bridge debate. The link between Baltimore and Philadelphia was considered too important to leave vulnerable to adverse weather. Every disruption was "widely and deeply felt."<sup>9</sup>

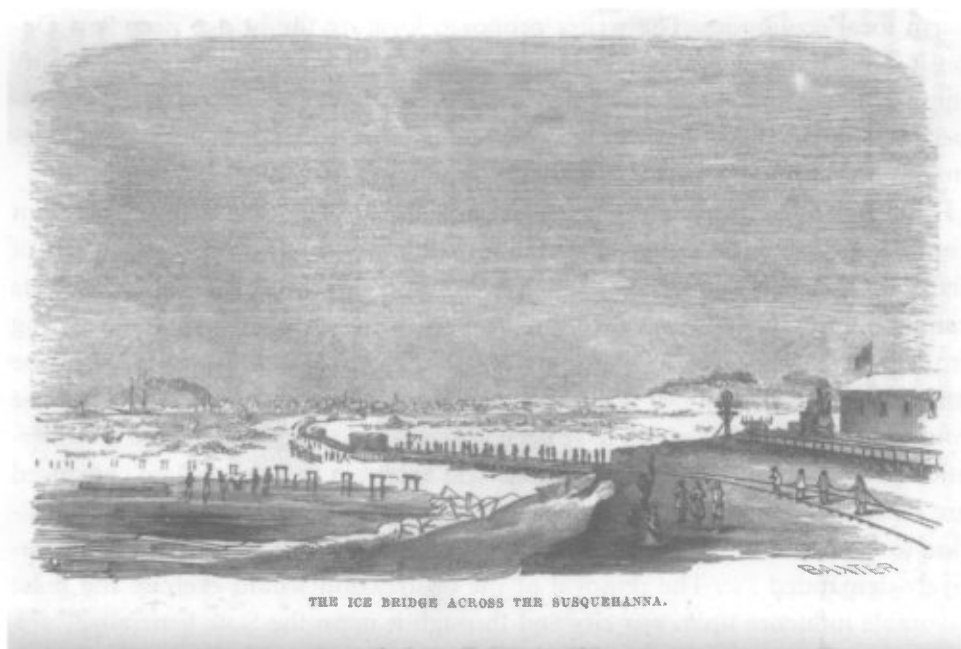
Reporting on the impact of interrupted rail service, three Baltimore newspapers—the *Clipper*, the *American and Commercial Daily Advertiser*, and the *Sun*—endorsed the call for a bridge. A *Sun* editor reasoned that with "superior modern improvements and contrivances in bridge-building, such a structure could be thrown over the Susquehanna as would entirely obviate the apprehended injury to navigation which it is alleged by some would ensue."<sup>10</sup> The *Sun* article included a pro-bridge reprint from the *Philadelphia Ledger*, which had weighed in as well. The road between Philadelphia and Baltimore was "one of the most important lines of travel in the United States. . . the link which connects the great chain of intercommunication between the Eastern, Southern and Southwestern parts of the country." Trade, traffic, "and all the mails destined to these different parts of the Union," passed over the line, which should not have to bear weather-related interruptions, lest that trade go to other cities than Philadelphia and Baltimore. "The whole difficulty rests with the Legislature," the *Ledger* opined, for the General Assembly had "twice refused to allow the railroad company a charter to build a bridge." Moreover, "the small local influences in opposition . . . ought to have no weight against a great public convenience." A bridge across the river below Port Deposit "would no more interfere with its thriving trade than the drawbridge across the Schuylkill at Gray's Ferry, below the city of Philadelphia, interferes with the coal trade on that river. Five times the number of vessels engaged in trade at Port Deposit pass daily up and down the Schuylkill without any impediment from the bridge."<sup>11</sup>

Supporters considered the ice jams an additional argument for a span, but opponents claimed to the contrary that ice accumulations in the river would

<sup>9</sup> "Resumption of Travel on the Philadelphia Railroad," *Baltimore American and Commercial Daily Advertiser*, January 9, 1852.

<sup>10</sup> "The Interruption of Travel and Business — Want of a Bridge at Havre de Grace," *Baltimore Sun*, January 8, 1852.

<sup>11</sup> *Philadelphia Ledger* as quoted in *ibid*.



The "ice bridge" across the Susquehanna in the winter of 1852. (Charles Dare, Philadelphia, Wilmington, and Baltimore Railroad Guide: Containing a Description of the Scenery, Rivers, Towns, Villages, and Objects of Interest along the Line of Road including Historical Sketches, Legends, &c. [Philadelphia, 1856], 52.)

make the bridge a hazard. After harsh winters, the built-up ice thawed and released destructive floods bearing massive ice gorges. "Peter," the pseudonym of a regular correspondent to the *Whig* and a persistent anti-bridge voice from Port Deposit, called for deepening the channel and removing obstacles to solve the ice gorge problem, and protested "that any additional obstructions, (such as [bridge] piers) placed in the channel, increases the liability every winter of having our property swept away and destroyed." "Peter" railed against the "money power of a soulless corporation . . . combined with the influence of the Baltimore press" and warned "a bridge at Havre de Grace would be detrimental in the extreme to the interest of this place; and that no advantage to be gained by the company could compensate for the injustice that would be done a portion of the citizens of the State."<sup>12</sup>

A letter printed in the *Baltimore American*, signed "P" and probably written by "Peter," repeated and expanded on arguments "Peter" had presented in the *Whig*. He declared the lack of a bridge a mere inconvenience, not harmful to the business interests of Baltimore or to travelers, whereas a bridge at Havre de Grace would

<sup>12</sup> "Letter from Port Deposit," *Cecil Whig*, January 17, 1852.

harm local economies. The writer proposed locating the bridge near Port Deposit, "above the navigable waters of the river," which would add about twenty minutes to the route, and asked if it was right that Port Deposit's "present prosperity be blighted and her future prospects be crushed to gratify the unjust demands of a company merely that twenty minutes may be gained?"<sup>13</sup>

To the editor of the *Baltimore American*, the bridge question was not about convenience but an issue that "materially affects the business interests of the city of Baltimore," and if the legislature failed to approve the bridge "those interests cannot but feel the injurious effects in the deprivation of resources and the driving from the city and State of that trade and commerce which are essential to the progress and prosperity of both." Patrons wanted "speed and certainty" on the routes. "The objections which have been raised . . . — though entitled to consideration as the honest convictions of those who entertain them — we are convinced are more imaginary than real, and should not be permitted to weigh in opposition to the consummation of an improvement so highly necessary and so imperatively demanded . . . The removal of the obstruction would exercise the most favorable influence upon our city and through it upon the State generally."<sup>14</sup>

Editor Ricketts, of the *Cecil Whig*, did not waver in his resistance to the bridge. He insisted that the damage to Port Deposit's economy would result in the "diminution of value of taxable property," thereby reducing county revenue. Defending his local perspective Ricketts wrote, "It may be said, we argue from selfish motives. If it is selfishness to take care of the interests of our own county in preference to those of 'soulless corporations' we plead guilty."<sup>15</sup>

Editor Henry Vanderford Jr. of the *Cecil Democrat* sounded a less alarmist tone than his *Whig* counterpart. Vanderford assured his readers that according to "intelligent gentlemen" of the county, even if the bill passed "such a bridge will never be constructed." These gentlemen reasoned that costs, estimated as high as one million dollars, would be more than the company would be willing or able to pay. Furthermore, no bridge "could withstand the pressure of the ice, in time of a freshet, in a season like the present; that it would be swept away, and the company compelled again to resort to a steam ferry boat after the entire loss of their immense outlay in so bootless an enterprise"<sup>16</sup>

The editor of the *Democrat*, unlike Ricketts, took no clear position on the issue. "We give [the speculations of the 'intelligent gentlemen'] to the public for what they are worth, without expressing any opinion of our own, about a matter which we profess not to understand."<sup>17</sup> Vanderford did venture an alternative.

<sup>13</sup> *Baltimore American*, January 23, 1852

<sup>14</sup> "The Bridge at Havre de Grace," *Baltimore American*, February 17, 1852.

<sup>15</sup> "The Bridge Bill," *Cecil Whig*, April 24, 1852

<sup>16</sup> "Rail Road Bridge Over the Susquehanna," *Cecil Democrat*, February 21, 1852.

<sup>17</sup> *Ibid.*



Referring to a proposal to tunnel under the Hudson, he speculated a similar plan might work for the Susquehanna. "Chrome, granite, and lumber would glide peacefully over its surface, while the iron horse would be rushing on with its burden of freight and passengers below." He briefly wondered if the tunnel would cost less than a bridge, then retreated to his professed lack of expertise, deferring the idea to the editor of the *Harford Madison*, "who will probably be able to elucidate it."<sup>18</sup> Keatinge, not about to pass up an opportunity to put pressure on the *Democrat's* editor, responded by suggesting Vandeford take vacation time in the Hudson Valley "for the benefit of his health" so that on his return "he would have the energy to proclaim whether he was bridge or anti-bridge."<sup>19</sup>

In 1852 a visitor to the region reading editorials in the *Cecil Whig*, three major Baltimore newspapers, and the *Philadelphia Ledger* could understandably conclude that opposition to the bridge was restricted to Cecil County. But concern that constructing a bridge would damage an established trade route was not limited to one small corner of the state. Lumber and other Susquehanna goods arriving in Port Deposit had destinations throughout the bay region. Cecil County's three votes in the House of Delegates and one vote in the Senate did not account for the difficulty in securing passage of the bridge bill. Protecting navigation on the Susquehanna was a state interest, as one writer, identifying himself as "Conservator," reminded readers of the *Cecil Democrat*. "Conservator" held that the bridge benefited the traveler and investors in Massachusetts and England but warned that impeding traffic on the Susquehanna would divert upriver trade away from Maryland and into the hands of Pennsylvania railroads and canals. "You might as well expect a healthy circulation of blood with a tourniquet applied to one of your limbs, as to expect to keep the trade of the Susquehanna, with such obstructions placed at its mouth." "Conservator" asked if Marylanders are "to sacrifice their right to the navigation and business of the Susquehanna, to gratify a set of bond holders?" He contended "that free, unobstructed navigation, of the Susquehanna, is a priceless heirloom; inherited by all the counties upon the tide-water, to be handed down to their posterity."<sup>20</sup>

To settle the question of how the bridge might affect navigation, a seven-member ad hoc committee from the House of Delegates visited the proposed bridge site and then traveled on to observe traffic under spans on the Schuylkill and Christiana Rivers. "They expressed themselves much pleased with the manner in which vessels were enabled to pass the draws. They saw plainly that the detention was very trifling, compared with the representations made at Annapolis on the subject," reported a *Sun* correspondent.<sup>21</sup> In a separate evaluation, a Colonel

<sup>18</sup> "Tunneling the Susquehanna," *Cecil Democrat*, March 6, 1852.

<sup>19</sup> *Harford Madison*, March 18, 1852.

<sup>20</sup> *Cecil Democrat*, April 17, 1852.

<sup>21</sup> *Baltimore Sun*, April 29, 1852.

Turnbull, U.S. Topographical Corps, also concluded that navigation would not be harmed. "The very limited trade carried on in masted vessels above Havre de Grace it seems to me should not be considered in opposition to a work of so great a public benefit as the present railway." Addressing the issue of ice gorges, Turnbull noted the bridge would be south of Watson's (now Garrett) Island, and pointed out that "the great obstruction to the free passage of the ice already exists" north of the bridge and that the bridge would not add to the ice accumulation.<sup>22</sup>

Minority reports from members of the ad hoc committee visiting the bridge and the House Internal Improvements Committee (which included one Cecil Countian, Delegate John Morgan) disputed the majority conclusion and recommended locating the bridge upriver, above sloop or schooner navigation. The Internal Improvements Committee minority report declared the "importance of the bridge over-rated, and the delay in crossing the river . . . exaggerated." The report cited a variety of arguments by those favoring the bridge, refuted each point, and then addressed the Port Deposit issue and its relationship to the state economy, making a protectionist argument for water transportation:

The village of Port Deposit, which has now more trade than any other town in Maryland, except the city of Baltimore, would be ruined. It is now the great Depot for the lumber manufactured on the Susquehanna . . . and employs, in the transportation of this lumber . . . at least one hundred . . . vessels which are principally owned by our citizens. If the navigation is obstructed, as we believe it would be, by a bridge, this lumber must reach a market by some other route. That intended for Philadelphia and Eastern Markets will be transshipped from the Basin of the Pennsylvania Canal at Columbia by Rail Road, and that for consumption in Maryland, will reach Baltimore by way of the Baltimore and Susquehanna [Rail] Road. By this means an extensive trade will be broken up and the vessels now engaged will be obligated to seek some other employment.<sup>23</sup>

Delegate Morgan questioned whether a company controlled by interests outside the state and region would act in Maryland's best interest. In an argument tangential to the navigation issue but which later proved insightful, Morgan pointed out the railroad's debts and commented that if building the bridge was so important, capital could be raised from other sources without the "need to resort to a company so overwhelmed with debt."<sup>24</sup>

<sup>22</sup> *Journal of the Proceedings of the House of Delegates of the State of Maryland, 1852* (Annapolis: J. Green), 801–3.

<sup>23</sup> *Ibid.*, 768–72. Capitalizations in original.

<sup>24</sup> *Ibid.*

The Cecil delegation was unified in the effort to prevent the bill's passage in the General Assembly, in contrast to the unanimous support from Harford's delegation. Cecil Delegate Cornelius Smith of Port Deposit "presented remonstrations from citizens of Port Deposit, and from 52 lumber dealers of the States of New York and Pennsylvania [against bridging] the river Susquehanna, below sloop navigation."<sup>25</sup> After the hearings and debates, anti-bridge delegates successfully maneuvered to delay the bridge decision until the next session. Proponents attempted to revive the bill twice before the session ended; the first attempt failed 30 to 33, and the second attempt ended when the Speaker of the House suffered a "sudden attack of sickness" and could not conduct the vote.<sup>26</sup>

The Philadelphia, Wilmington & Baltimore Railroad reviewed arguments in preparation for the 1853 legislative session. The company reasoned that if the supposition was true that a bridge "will injure the navigation interests of Port Deposit . . . therefore it shall not be built . . . were conclusive, no public work could ever be built for none . . . has not to a certain extent interfered with and injured some existing interest." Furthermore, the company asserted that all ships could navigate freely if the "bridge is built as it should be, with a draw of sufficient capacity." Draw bridges over navigable streams were common in the northeast and "many of these pass more vessels in a single week than go up to Port Deposit in a whole year." Also the town could expect an economic boost during bridge construction. The company projected spending over \$500,000 on the bridge and predicted that money spent locally for labor and materials would "add more to the wealth of the town than any other thing likely to take place for years to come."<sup>27</sup> When the new session began, the company would not rely on just these arguments to win over the opposition. The railroad was prepared to offer an accommodation.

## Opposition Weakens

When the bridge battle resumed in the 1853 legislature, opposition in Cecil County showed signs of weakening. Signature counts on petitions from the county favored the bridge more than three to one.<sup>28</sup> A Chesapeake City writer to the *Whig* fumed over erosion in the "strenuous" opposition previously expressed by his town and the C&D Canal Company; some people had even signed petitions in favor of the bridge as though "the hydra-headed monster" was no longer a danger. He contested this change of attitude, and admonished residents that if "their in-

<sup>25</sup> *Ibid.*, 773

<sup>26</sup> "House of Delegates," *Baltimore Sun*, May 27, 1852; "House of Delegates," *Baltimore Sun*, May 28, 1852.

<sup>27</sup> *Minute Book*, January 3, 1853.

<sup>28</sup> *Journal of the Proceedings of the House of Delegates*, 1853. Signature counts from Cecil County in favor of the bridge numbered 739; signatures against numbered 204. Some of the petitions received did not have their signature counts entered into the record.

difference arises from a belief that a Bridge over the Susquehanna river can not affect their interest . . . they are deceived.”<sup>29</sup>

Realizing that passage of the bridge bill was imminent, the Cecil County delegation and other legislators opposed to the bill attempted to gain better terms for Port Deposit. After their motion to relocate the bridge near Port Deposit failed, legislators debated dimensions and characteristics of the draw of the proposed bridge. The editor of the *Democrat* commented that several proposed amendments relating to the bridge “are now agitating the public mind in this county.” The bill will probably pass, “and the only question is, upon what terms will they get the privilege?”<sup>30</sup> The railroad company agreed to build a lateral railroad from Perryville to Port Deposit if the provision for a capitation tax on each railroad passenger crossing the bridge was dropped and if the company was not required to provide a steamer to tow ships through the draw of the bridge.

Vandeford now took a public position and endorsed the offer from the railroad. “The [branch] road . . . will greatly benefit, not only the people of Port, but the whole county, as it will afford to the people of the upper part of the county the means of transportation for their produce *at all seasons of the year*, and also open a pleasant and expeditious [local] mode of travel. . . . Let us have the road, and we predict that it will be the beginning of a road . . . extended up the Susquehanna to the coal mines in Pennsylvania.”<sup>31</sup>

The allure of a lateral railroad splintered Port Deposit opposition. What looked like a good bargain to some looked like a sellout to others. “Peter” labeled the proposal a “humbug, because no such railroad would ever be built” and complained that some of the citizens of Port Deposit had been fooled by the proposal. Another correspondent wrote about the “few men in Port Deposit, who it would seem from *new interested* motives, have taken a *new* course on this Bridge question, i.e. to exchange the right of our citizens to navigate the noble Old Susquehanna for a *promised* railroad from Port Deposit to Perryville.” The proposed new railroad “*on paper* may look to some like the apples on the shore of the Sea of Sodom, (lovely to behold,) but I fear it will prove to be as bitter at the core as they did.”<sup>32</sup>

Another writer to the *Whig*, who signed himself as “Julius,” criticized signers of a petition circulated in the northwest part of the county in favor of the bridge on the condition that a branch line was included. The petition pointed out an important advantage of a railroad over the short seasonal trade on the Susquehanna: “a new outlet to market at all seasons of the year at least equal if not greater, than the partial obstruction to the navigation of the river.” “Julius,” not swayed by the argument and displeased with those who had shifted positions, sarcastically re-

<sup>29</sup> *Cecil Whig*, January 22 and February 5, 1853.

<sup>30</sup> “The Lateral Railroad to Port Deposit,” *Cecil Democrat*, March 5, 1853.

<sup>31</sup> *Ibid.*, italics in original.

<sup>32</sup> *Cecil Whig*, March 12, 1853. Italics in the original.

marked, "I know many of the signers . . . and have heard them express opinions to the effect, that nothing could remedy the evils of an obstructed navigation; but new views have, no doubt, taken possession of their minds, and now a branch road to Port Deposit would be of more value than the free navigation of the Susquehanna." "Julius's" lengthy letter, spanning three columns, also argued that the real reason behind the petition was to make "a personal attack upon the character of our most prominent business men, and influential citizens," by portraying the steamboat owners in Port Deposit as "monopolists" whose opposition to the bridge was motivated by selfish reasons that ran counter to the interest of the farmer, a charge the correspondent considered unfair and unsubstantiated.<sup>33</sup>

In a letter to the Maryland House of Delegates, Samuel Felton, president of the Philadelphia, Wilmington & Baltimore Railroad, described the economic advantages of a railroad bridge over the Susquehanna. Aware that Maryland was heavily invested in the Baltimore & Ohio Railroad and that that railroad just completed a link to Wheeling, Felton emphasized the relationship between a bridge on the Susquehanna and the desire of the B&O and the state to capitalize on trade with the West. Noting that in the first twenty days of its nearly established connection to Wheeling the B&O had earned more than eleven thousand dollars in business that would only increase, he pointed out that the trade had "taxed our Ferry night and day" and any accident that befell the boat would result in that business being "entirely suspended." If the worst did happen, the B&O would suffer proportionately greater damage since they received "nearly four dollars to our one on this western freight." The PW&B "can not do a much larger business than we are now doing with our present Ferry arrangements even in favorable times; but when the river is obstructed with ice, or our boat becomes disabled, we can do nothing." To accommodate the growing business with the west, "we must have a bridge over the Susquehanna. Without it, our line and the Baltimore and Ohio Railroad must be limited to a very small share of the western trade and travel. . . . If this trade is properly accommodated as it should be by a bridge at the Susquehanna, it will soon amount to five times what it now is."<sup>34</sup>

Bridge advocates gained the support needed for the bridge bill to pass in the House of Delegates by a vote of 38 to 14, with 22 members absent, including Cornelius Smith, who had left several weeks earlier "in a feeble state of health."<sup>35</sup>

<sup>33</sup> "To the Farmers and Other Citizens of Cecil County Interested in the Navigation of the Susquehanna River," *Cecil Whig*, March 19, 1853.

<sup>34</sup> Samuel M. Felton, *Reply of the President to the Philadelphia, Wilmington and Baltimore Railroad in Obedience to an Order of the House of Delegates* (1853), Archives of Maryland [database online], MSA SC M3173 Volume 3173, 1869–1870.

<sup>35</sup> "A Sick Member," *Cecil Democrat*, March 5, 1853. Cornelius Smith's friends were reported as concerned his illness would "prevent him from resuming his seat this session." Delegate Smith did return before the end of the session to introduce a bill unrelated to the bridge issue.

The other two Cecil votes split, with George Ricketts, brother of the *Whig* editor, voting against and John Morgan, who spoke against the bill the previous year, voting for the bill. All delegates from Harford and Baltimore County, except for one absent member, voted for the bridge. A combination of lower Eastern Shore and southern Maryland votes accounted for just over half the negative votes. Perhaps these delegates, expecting little benefit for their areas if the bridge was built, and representing counties in which water transportation still retained primacy over railroads, were more receptive to the navigation argument. Western Maryland counties, anticipating improved connection to eastern markets, cast no negative votes.<sup>36</sup>

Even with widespread support coming from the Baltimore press and the Baltimore City Council, delegates from Baltimore divided on the issue, with five in favor, three opposed, and two absent.<sup>37</sup> The split vote from the Baltimore delegation revealed the conflicting commercial interests in the city between those wanting to preserve traditional Susquehanna River trade and those favoring a transition to a more extensive trade by rail.

The Senate passed the bridge bill into law, thirteen to three. Negative votes came from Baltimore City, Anne Arundel County, and Cecil County. Editor Ricketts reported the news with sarcastic resignation: "So the people of Port Deposit are to be bridged off from 'the world and the rest of mankind.'"<sup>38</sup>

Those residents in the northwest part of Cecil County who embraced the transition from river to rail talked about a recent survey for the Columbia and Port Deposit Railroad and its potential in joining with the proposed branch line to Port Deposit from Perryville. One resident expressed the aspirations: "Our fond expectations of a Railroad to bring us nearer to the great cities of the country have been again revived by the appearance of another corps of engineers, surveying a route. . . . All of us are in lively hopes of soon seeing the 'Iron Horse' take place of the ark and raft, on the Susquehanna. Such a state of affairs would enhance the value of much property now lying dormant, on account of the miserable condition of the old [Maryland] canal and the uncertainty of the river."<sup>39</sup>

### Work on the Bridge Begins

Within weeks after legislative approval activity began at the bridge site with surveys and soundings. The following year quarry workers in the Port Deposit area chiseled stone for the abutments and bridge piers. By the winter of 1854–55 two bridge piers jutted from the river. Masonry contracts called for completion of

<sup>36</sup> "Important From Annapolis," *Cecil Democrat*, March 26, 1853.

<sup>37</sup> "City Council" *Baltimore American*, February 18, 1852; "Important From Annapolis," *Cecil Democrat*, March 26, 1853.

<sup>38</sup> "The Bridge at Havre de Grace," *Cecil Whig*, April 16, 1853.

<sup>39</sup> *Cecil Whig*, November 26, 1853.

piers and abutments by New Year's Day, 1856, and the completed superstructure was expected that fall.

### Work on the Bridge Halts

In the summer of 1855, work stopped—the navigation issue had resurfaced. Opposition this time came from the Harford shore. A note in the railroad company's minutes hints at a problem with the bridge location. Board member Enoch Pratt reported a conversation with the president of the Susquehanna and Tide-Water Canal Company about the bridge, "and the terms upon which the Canal Company would make arrangements with this company." Minutes the following month sounded promising. "Progress made in negotiating for the Wharf property at Havre de Grace for extension of the towpath of the Canal. — operations commenced on the foundation of piers and abutments at the River." Three months later, work on bridge foundations was "postponed until more satisfactory arrangements can be made with the wharf owners on the Havre de Grace side."<sup>40</sup>

The Susquehanna and Tide-Water Canal Company had requested the railroad pay for extending the tow path to the south side of the bridge so tow boats could avoid the bridge piers. The railroad agreed in order to avert a law suit, but when they attempted to buy land for the tow path "owners of property along the river subsequently demanded exorbitant sums for the right of way."<sup>41</sup>

The canal company was in a position to block the project indefinitely if the issue could not be settled amicably. The 1853 law authorizing the Susquehanna bridge stipulated "the said bridge and approaches shall be so located and constructed as not to injure the navigation of the Tide-Water canal." Maryland was the canal's main creditor and the provision was inserted to protect the investment. Steamboats, especially side-wheelers, and tugs towing barges between the canal entrance and the Susquehanna River required adequate maneuvering room through the bridge's draw. Probably more than a coincidence in the canal company's complaint about the proposed size of the draw was that two of the side-wheelers towing canal barges to Baltimore were partly owned by Jacob Tome. Tome was a prosperous Port Deposit lumber merchant who had argued against approving the bridge from the beginning of the legislative debates.

The *Whig* reported: "The rumor is prevalent, that the Railroad company have given up the idea of a bridge across the Susquehanna at Havre de Grace. Many of the piles which have been driven there, we understand, have been swept away, and the project seems to be given up as impracticable. In our opinion, the road is better off without the bridge than with it."<sup>42</sup>

<sup>40</sup> *Minute Book*, March 13, April 17, and July 17, 1855.

<sup>41</sup> "The Bridge Across the Susquehanna," *Baltimore Sun*, November 1, 1855.

<sup>42</sup> "Railroads and Bridges," *Cecil Whig*, July 14, 1855.

Several rumors moved the bridge to Port Deposit. This possibility was investigated by the superintendent; who concluded the problem could be resolved "by changing to a point higher up the river, where a better choice of position and other important advantages could be obtained, without seriously impairing the practical value of this important structure." The idea was dropped without explanation.<sup>43</sup>

The company issued a statement through the press, minimizing the setback. Calling it "a temporary difficulty . . . raised by another corporation," the railroad deemed it "prudent" to delay the work for several other reasons as well. One was the "great stringency in the money market" just then. Another was that the "new iron ferry-boat" was nearly as efficient as the bridge would have been. Perhaps most important was the series of "experiments now being tried on suspension bridges and on iron structures" which promised "great improvements within a short time, so that, when the interests of the company require this important work be finished, all the recent improvements can be availed of to render the structure one of the most perfect of its kind."<sup>44</sup>

Both companies played down the dispute. While the project remained dormant, circumstances changed and the navigation issue dissolved. *The Annual Report of the President and Managers of the Susquehanna and Tide-Water Canal Companies* issued to stockholders in May 1856 ignored the disagreement. No reference to the dispute appeared in the railroad's minute book after the *Annual Report* of 1855, and the 1856 railroad guide book in referring to the bridge promised "construction will be prosecuted with energy, when a few matters yet unadjusted, have been arranged."<sup>45</sup> The issue was not resolved by extension of the tow path, for this never happened. Dismantling the two completed piers and suspending work on the bridge quieted the Tide-Water Canal's immediate concern. Amending the 1853 bridge law in 1864 and redesigning the proposed bridge with a larger draw brought the issue to a close.

An earlier resolution to the dispute with the Tide-Water Canal Company would not have ended the delay. To speed construction in 1854, the superintendent changed the original solid masonry plan for the piers to a cheaper construction plan. In the summer of 1855, with the deadline no longer a concern, a new superintendent persuaded the company to return to the costlier but more substantial solid masonry plan. The projected added expense merged into a larger remaining problem—debt—brought on by railway improvements and rapid expansion of the Philadelphia, Wilmington & Baltimore Railroad. Company finances worsened in the economic climate of 1857, and in April 1858 the company secured a mortgage on the railroad for \$2,600,000.

<sup>43</sup> *Minute Book*, January 14, 1856.

<sup>44</sup> "Susquehanna Bridge," *Cecil Whig*, February 23, 1856.

<sup>45</sup> Dare, *Philadelphia, Wilmington, and Baltimore Railroad Guide*, 61.





The completed bridge connecting Perryville and Havre de Grace. (Harper's Weekly, December 22, 1866.)

Fortunately for the railroad, the new steam ferryboat *Maryland*, placed in operation in December 1854 proved a valuable asset that mitigated the urgency for constructing the bridge. The *Maryland*, with three mounted sets of track, could carry twenty-one cars, whereas its predecessor *Susquehanna* could carry only five cars each trip across the water. Throughout *Maryland*'s operation, the company praised its reliability and the fact that it prolonged the time before the company would need a bridge. "This ferry has continued to meet, promptly, all demands that have been made upon it, and is fully competent for a much larger business."<sup>46</sup> The outbreak of the Civil War brought that much larger business, placing unprecedented demands on the railroad. The company gave the vessel high marks, "greater than any other boat of its kind in the world," for its movement of troops and freight, but the time had arrived for a permanent solution.<sup>47</sup>

### Work on the Bridge Resumes

Despite the *Maryland*'s yeoman performance, wartime demands and improved finances "rendered imperative the construction of the bridge." The company acknowledged that it was "a work delayed thus far by want of funds, and a fear, on

<sup>46</sup> *Minute Book*, January 10, 1859.

<sup>47</sup> *Ibid.*, January 13, 1862.

the part of some of our friends, that the structure might not be able to withstand the shock of the ice. These fears we believe to be groundless." The only remaining question was that of expense, and the company now believed "with great confidence, that a substantial and safe structure can be built for less than a half million of dollars. If this is so," it concluded, "certainly true economy demands the Bridge."<sup>48</sup> Work went on apace. The November 1862 superintendent's report echoed the report of 1854: "Work on the foundation is progressing."<sup>49</sup> In 1865 an onslaught of heavy ice failed to dislodge the piers. In July 1866, a tornado ripped the superstructure off the nearly completed bridge, but workers rebounded to finish the damaged bridge within ninety days. On November 26, 1866 the first passenger train rumbled across the bridge with dignitaries and journalists on board. In the dedication speech Felton's successor, Isaac Hinckley, proclaimed, "the bridge had brought the two cities [Baltimore and Philadelphia] closer together than they had ever been before."<sup>50</sup>

But amidst the celebration and the community's pride in the structure, some local residents felt cheated. Enlarging the draw was not the only alteration to the original bridge plans. For cost-cutting and expediency, and with Maryland General Assembly approval in 1864, the company narrowed the span width, eliminating the lane for local traffic. Alfred W. Bateman, editor of the *Aegis and Intelligencer* in Bel Air and a former delegate, had supported the bridge bill but now pushed aside celebratory rhetoric to denounce the company for betraying public trust. "The people of Havre de Grace and surrounding country were induced to support the measure, by promises that this [accommodation of local traffic] would be the plan of the superstructure, and had it been thought otherwise, no charter would have been granted in the winter of 1853," he said. "Bridging any navigable stream is a serious disadvantage to the public, and never can be justified upon any other grounds than that the general benefits to be derived from such obstruction greatly exceed the individual injuries which follow in its wake."<sup>51</sup>

## Aftermath

Nearly twenty years passed between the first petition for a railroad bridge across the Susquehanna and a locomotive crossing that bridge. Completed too late to contribute to the war effort, the bridge arose in time to speed passengers and freight along the East Coast during the country's economic expansion that followed. The economic doom the opposition predicted did not materialize. Susquehanna valley trade on the Tide-Water Canal had diminished, but the tonnage handled at the Havre de Grace lock basin had begun to drop years earlier

<sup>48</sup> Ibid., January 12, 1863.

<sup>49</sup> Ibid., November 19, 1862.

<sup>50</sup> "The Susquehanna Railroad Bridge," *Baltimore Sun*, November 27, 1866.

<sup>51</sup> "The Susquehanna Bridge," *Bel Air Aegis & Intelligencer*, December 7, 1866.



*This construction pier was located near the site of the original steam ferry wharf at Perryville. The picture was taken after the bridge superstructure was converted from wood to iron in the 1880s. (Courtesy, Historical Society of Cecil County.)*

and was unrelated to the bridge. The decline resulted from the 1855 widening of the Union Canal from the Susquehanna valley to Philadelphia. The Union Canal in turn soon struggled against competition from the Lebanon Valley Railroad, and more regional railroads were in various stages of development. Heavy floods in 1857 had damaged the canal, also contributing to the decline in business. The tonnage accommodated at the Chesapeake and Delaware Canal after the bridge was built did not begin to decline until 1890.<sup>52</sup>

<sup>52</sup> Marion H. Morton, *Historic Report on the Southern Terminal of the Susquehanna and Tide-Water Canal at Havre de Grace* (Havre de Grace, Md.: Susquehanna Museum of Havre de Grace,

For local travelers disappointed with the narrower bridge, the 1864 revision to the bridge law that authorized the design change also required that the company transport local traffic across the bridge. Pedestrians boarded the train at one end of the bridge and disembarked at the other free of charge. The railroad kept extra cars available to attach to freight trains for hauling horses and carriages across for a toll.

Port Deposit was not “bridged off from ‘the world and the rest of mankind.’” The bridge design allowed passage between the Susquehanna and the Chesapeake Bay. Port Deposit had the promised branch railroad, the Columbia & Port Deposit Railroad. The train was a mixed blessing for the town, part iron horse and part Trojan horse. Railroads in the Susquehanna valley, offering direct, dependable, year-round connections with Baltimore, Philadelphia, and other cities both served and betrayed Port Deposit. “Conservator” had been perceptive in forecasting this changing trade pattern during the bridge debate, though attributing it to the bridge was incorrect. The change had begun before bridge piers lined up across the mouth of the Susquehanna. So long as river traffic was the primary means for transporting goods, Port Deposit had prospered, because it played an important role as a port of deposit for lumber and other Susquehanna valley products. When railroads became the dominant means of transportation, moving goods with “speed and certainty,” the river town no longer fulfilled that purpose. There was no reason for trains to carry lumber or other goods to Port Deposit for processing and transshipment when the rails led directly to market cities. It was not the railroad bridge that strangled Port Deposit’s economy, it was the railroad itself. The bridge merely symbolized the change in transportation, and the resulting harm to the town.

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1978), 6; Livingood, 113–14; Ralph D. Gray, *The National Waterway: A History of the Chesapeake and Delaware Canal, 1769–1985* (Urbana: University of Illinois Press, 1989), 156.

# When Forests Trumped Parks: The Maryland Experience, 1906–1950

EUGENE PHILIP PARKER

**T**he competitive relationship between the United States Forest Service (USFS) and the National Park Service (NPS), particularly in the years before 1950, has been well documented. Rivals of the first order, the two agencies quarreled over a broad range of issues and contested jurisdictions. Each worked to have the other transferred, and thus its power greatly reduced, into their respective departments. Ultimately, these battles gave form and purpose to the agencies that characterize both to this day. Little has been written about how these tensions played out at the state level in the first half of the twentieth century—the formative years for both state parks and state forests in the United States.<sup>1</sup>

An analysis of the development of state parks and forests in Maryland from 1906 to 1950 clearly shows that in every instance forests trumped parks. By 1950 almost a half-century after the state passed legislation establishing authority for state parks and forests, Maryland had a remarkably dismal record of park support. This record came as the result of 1) hostility toward parks as preserved landscapes, 2) a presumption that “recreational opportunities” meant “parks,” and 3) a bureaucracy dominated by a forester whose thirty-six year rule epitomized the “development is the first principle of conservation” philosophy of Gifford Pinchot, the first Chief Forester of the USFS.

<sup>1</sup> On the competition between the United States Forest Service and the National Park Service, see Hal K. Rothman, “A Regular Ding-Dong Fight: The Dynamics of Park Service-Forest Controversy During the 1920s and 1930s,” in Char Miller, ed., *Forests: Nature, Culture, and Politics* (Lawrence: University of Kansas Press, 1997), 109–24; Richard Sellars, *Preserving Nature in the National Parks* (New Haven: Yale University Press, 1997), 35–38, 57–58; Donald Swain, *Federal Conservation Policy 1921–1933* (Berkeley: University of California Press, 1963), 134–38; Robert Shankland, *Steve Mather of the National Parks* (New York: Knopf, 1954); Harold Steen, *The U.S. Forest Service: A History* (Seattle: University of Washington Press, 1976), 152–62. On the general history of state parks, see Raymond Torrey, *State Parks and Recreational Uses of State Forests in the United States* (Washington D.C.: National Conference of State Parks, 1926); Beatrice Ward Nelson, *State Recreation: Parks, Forests, and Game Reserves* (Washington, D.C.: National Conference of State Parks, 1928); Herbert Evison, *A State Park Anthology* (Washington, D.C.: National Conference of State Parks, 1930); Freeman Tilden, *The State Parks: Their Meaning in American Life* (New York: Knopf, 1962). On state forests, see Ralph Widner, ed., *Forests and Forestry in the American States: A Reference Anthology* (Washington, D.C.: Association of State Forests, 1968).

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As the nineteenth century drew to a close, powerful forces worked on behalf of parks in the United States. Americans had come to admire and value the extraordinary landscapes of their nation, particularly those of the West, and increasingly called for the establishment of national parks to protect them. Municipal parks existed in some major cities (e.g., New York, Chicago, Philadelphia, Boston, and Baltimore) as the result of local efforts. By the late 1890s a national movement had arisen to promote parks in urban environments throughout the nation.<sup>2</sup>

Common themes connected the local and national movements. The nation had become increasingly aware of the degradation of resources and the environment. Across the country, forests had fallen to land clearing, timbering, and extensive and often devastating fires. Soils had been lost to poor agricultural practices, land abandoned, and river and stream quality had declined. Air and water quality in industrial cities had deteriorated dramatically. Trees, woods, and open spaces were virtually non-existent in these areas, and squalid conditions had given rise to serious health problems. Urban life for many people was an abysmal experience.<sup>3</sup>

Calls for parks at both the national and local levels often focused upon the spiritual and physical benefits such landscapes offered. The City Beautiful Movement, a driving force behind the influential American Civic Association (ACA), promoted parks, parkways, and open space to relieve the desperate poverty of the working poor. In an address to the 1908 National Conservation Conference of Governors, ACA President J. Horace McFarland declared, "It is incontrovertible that peace and health and good order are fostered in parks in proportion as they represent scenic beauty." To some degree, the municipal parks movement was very much an anti-urban movement, perceiving in parks the antidote to urban blight.<sup>4</sup>

State parks, positioned as they were between national and municipal land-

<sup>2</sup> Aside from Yellowstone (1872), established national parks at this time included Yosemite (1890), Sequoia (1890), Kings Canyon (1890), Mt. Rainer (1899), and Crater Lake (1902). Early proponents of national parks included the Sierra Club, the American Association for the Advancement of Science, the Appalachian Mountain Club, and the American Civic Association. Two organizations that promoted urban parks were the American Park and Outdoor Art Association and the American League for Civic Improvement (the two merged in 1904 to form the American Civic Association). A dated but useful source for nineteenth- and early twentieth-century organizations involved in urban parks is Charles Doell and Gerald Fitzgerald, *A Brief History of Parks and Recreation in the United States* (Chicago: The Athletic Institute, 1954). See also Terrance Young, "Social Reform Through Parks: The American Civic Associations Program for a Better America," *Journal of Historical Geography*, 22 (1996): 464-72.

<sup>3</sup> On urban landscapes at the beginning of the twentieth century, see David Schuyler, *The New Urban Landscape* (Baltimore: Johns Hopkins Press, 1986); Martin Melosi, ed., *Pollution and Reform in American Cities, 1870-1930* (Austin: University of Texas Press, 1980); Joel Tarr, *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective* (Akron: University of Akron Press, 1996).

<sup>4</sup> MacFarland quote cited in Young, "Social Reform through Parks," 464. On the anti-urban aspect of the city park movement, see Galen Cranz, *The Politics of Park Design: A History of Urban*

scapes, had few advocates. Early support for state parks was generally limited to local historical societies interested in the preservation of historical—particularly military—and archaeological sites. In other cases the land for state parks came through private donations. Local grassroots action, unconnected to larger movements, spurred interest in state parks during the first two decades of the twentieth century. When the first conference on state parks met in Des Moines, Iowa, in 1921, nineteen states had parks.<sup>5</sup>

### The Forest Conservation Act and the Board of Forestry

As was the case with the nation generally, by 1900 Maryland had experienced significant deterioration of its natural resources, particularly its forests. Extensive areas of forests had fallen to logging, agriculture, and fires. A substantial portion of Maryland's remaining forests were found on farm woodlots. Local newspapers frequently carried national and neighborhood stories about the damage. At the turn of the last century, Maryland newspapers often featured articles and editorials on the need for federal forest reservations, particularly in the east.<sup>6</sup> In 1900, the Maryland Geological Society signed a cooperative agreement with the United States Division of Forestry to study the economic conditions of forests in Allegany County. This initial effort prompted subsequent projects in other counties over the next few years.<sup>7</sup>

It was against this background of forest surveys, fires, and federal assistance to

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*Parks in America* (Cambridge: MIT Press, 1982). On the City Beautiful Movement, see William Wilson, *The City Beautiful Movement* (Baltimore: Johns Hopkins Press, 1989).

<sup>5</sup> Tilden, *The State Parks*, 5. For examples of state park histories, see Martha Carlson, "Born of Fire and Trespass: A History of the State Parks [New Hampshire]," *Forest Notes*, 159 (1985): 2–8; Rebecca Conrad, "Hot Kitchens in Places of Quiet Beauty: Iowa State Parks and the Transformation of Conservation Goals," *Annals of Iowa*, 51 (1992): 441–79; Thomas Cox, *The Park Builders: A History of State Parks in the Pacific Northwest* (Seattle: University of Washington Press, 1988); Thomas Cox, "Before the Casino: James G. Scrugham, State Parks, and Nevada's Quest for Tourism," *Western Historical Quarterly*, 3 (1993): 333–50; Dan Cupper, *Our Priceless Heritage: Pennsylvania State Parks 1893–1993* (Harrisburg: Pennsylvania Historical and Museum Commission, 1993); Joseph Engbeck Jr., *State Parks of California: From 1864 to the Present* (Portland: Charles Belding, 1980); Roy Meyer, *Everyone's Country Estate: A History of Minnesota's State Parks* (St. Paul: Minnesota Historical Society Press, 1991); Jay Price, "Preservation, Recreation, and the Arizona State Parks Board: Forty Years of Stewardship" (Ph.D. diss., Arizona State University, 1997); James Steely, *Parks for Texas: Enduring Legacy of the New Deal* (Austin: University of Texas Press, 1999).

<sup>6</sup> See for example *Baltimore Sun*, October 21, 1895 [hereinafter cited *Sun*], August 21, 1896, March 9, 29, 1897, August 29, 1899, and January 22, 1901; *Baltimore American*, January 4, 1905; *Baltimore News*, January 20, 1905.

<sup>7</sup> Beginning in 1899, the federal government offered to provide assistance to local landowners in Maryland and other states in the preparation of forest/woodlot management plans. Maryland State Board of Forestry, *Report of the State Board of Forestry 1906–1907*: 3 [hereafter cited SBF]. Federal assistance to commercial landowners in managing forests began with the issuance of the Division of Forestry Circular 21 in 1898, and was extended to private landowners in 1899 by Circular 22.

landowners that Maryland took action. In 1906, Governor Edwin Warfield signed the Forest Conservation Act (FCA) into law.<sup>8</sup> The legislation called for the establishment of a Board of Forestry and for the appointment of a state forester. Although the main focus of the FCA was on forestry, Section 2, the principal section defining the purpose of the act, called for the state forester "to direct the protection and improvement of State parks and forest reserves." At this time, Maryland had no state forests or state parks—in fact, the state owned less than one hundred acres of land, most of it linked to building sites.<sup>9</sup>

Fred Besley, the first state forester, graduated from the Maryland Agricultural College and joined the Bureau of Forestry in 1901 after working several years as a teacher. At the time of his appointment as a student assistant with the bureau, he was working as the principal of a grade school in Vienna, Virginia. Aware that he would be taking a significant cut in salary, he wrote Gifford Pinchot "I am willing to give up these positions which pay me more money for the sake of this new profession which I want to make my life's work."<sup>10</sup>

Besley took posts in New York, Michigan, and Kentucky before the Yale Forestry School accepted him in late 1902. Upon graduation in 1904 he became a forest assistant in the Division of Forest Extension, assigned to the Dismal River Reserve in Halsey, Nebraska. The work focused on nursery management and experimentation, yet Besley gained considerable experience in conservation education. He provided demonstrations of practical forestry at county and state fairs, and gave talks at local granges and town halls throughout the state. He transferred to the Pikes Peak forest nursery in Colorado where he was working in 1906 when he received the offer to become Maryland's first state forester.<sup>11</sup>

Besley began his work in Maryland with few resources at hand. Shortly after the passage of the FCA, the state received two gifts of land. The first, and by far the largest, was a gift of 1,900 acres in Garrett County in western Maryland. The land had been logged of its virgin white pines in the 1880s, logged again in 1906—the

<sup>8</sup> Geoffrey Buckley and J. Morgan Grove, "Sowing the Seeds of Forest Conservation: Fred Besley and the Maryland Story, 1906–1923," *Maryland Historical Magazine*, 96 (2001): 303–27.

<sup>9</sup> Maryland Legislature, Acts of 1906, Chapter 294, 1906; *Baltimore American*, January 5, 1905. A State Board of Forestry was created to oversee the Board of Forestry. It comprised the governor, state comptroller, the president of the Johns Hopkins University, the president of the State Agricultural College, and two citizens appointed by the governor.

<sup>10</sup> Besley to Pinchot, January 2, 1901, box 13, Office of the Chief, General Correspondence of the Forest Service 1898–1908, Record, Members of Bureau of Forestry, United States Forest Service, National Archives and Records Administration Record Group 95 [hereafter referred to as NA-RG95]. By the time of his retirement in 1942, thirty-six years later, Besley had served longer than any state forester in the country.

<sup>11</sup> Besley's assignments are described in various letters: Price to Besley, May 9, 1901, Price to Besley, August 29, 1901, Pinchot to Besley, June 6, 1902, Hall to Besley June 8, 1904, box 3, Records of the Division of Timber Management; Correspondence of the Office of Forest Extension, 1899–1909; Scott to Sterling, May 5, 1905, box 1, Division of Timber Management, 1896–1952, NA-RG95.



year Congress passed the FCA—and consisted primarily of scattered seedlings with a few large trees. The second gift was a forty-three acre parcel along the picturesque Patapsco River near Baltimore. Thus it was that Besley, with limited funds, a staff of one, and virtually no trees or forests under his control, set out to educate a state and to reverse decades of destructive timber practices.<sup>12</sup>

In addition to fire control and suppression, the early work of the Board of Forestry focused on two key areas, lectures and public demonstrations on forest management practices, and the production of a state map of county forest resources. Between 1908 and 1912, Besley visited and mapped every wooded area in the state of five acres or larger. A remarkable achievement by any measure, it is even more impressive in that he often traveled by horse and buggy over roads in deplorable condition. Besley's efforts produced the first statewide forest survey in the nation. In 1912 he succeeded in getting the legislature to approve the establishment of a state nursery from which land owners could receive seedlings at a very low price.<sup>13</sup>

### Early Parks in Maryland

Although Maryland had no state parks at the beginning of the twentieth century, the city of Baltimore had several parks—Druid Hill Park (671 acres), Clifton Park (253 acres), Patterson Park (106 acres), and three other smaller areas. Perhaps more importantly, there was considerable interest in expanding parks in the general metropolitan area. The Municipal Art Society of Baltimore City had taken an active role in promoting parks and parkways as part of a comprehensive municipal development plan as early as 1901.

In 1902, the Municipal Art Society retained Olmsted Brothers of Boston to design a comprehensive landscape plan for the city and its surroundings. The resulting study, published in 1904, envisioned a system of parks and parkways that made particular use of the several river valleys in the Baltimore area. Baltimore mayor Richard Venable was so convinced of the value of the Olmsted “park report” that he organized a movement to advance its recommendations. In 1906, the same year the FCA was enacted, Venable succeeded in having a million dollar ballot initiative passed for the purchase of additional park lands.<sup>14</sup> The Municipal Art Society had become increasingly vocal in pushing the city to fulfill the Olmsted

<sup>12</sup> Southeastern Association of State Park Directors, *Histories of Southeastern State Park Systems* (Southeastern Association of State Park Directors, 1977), 81–92.

<sup>13</sup> SBF Reports 1906–1914. Fred Besley, “Forest Research Under State Auspices,” Paper Presented at the Annual Meeting of the Division of State Relations of the National Research Council, Washington, D.C., June 11, 1925, reprinted in Reprint Series, No. 70, National Research Council, 1926.

<sup>14</sup> Barry Kessler and David Zang, *The Play Life of a City: Baltimore's Recreation and Parks 1900–1955* (Baltimore: Baltimore City Life Museum); Olmsted Brothers, *Report Upon the Development of Public Grounds for Greater Baltimore* (Baltimore: Municipal Art Society, 1904); *Sun*, January 6, 1906.

plan and by 1909 was urging the city to devote "every penny that can be spared" to the purchase of additional park land. The following year the society formed a commission on the preservation of forest trees in the region in support of creating greenbelts around the city.<sup>15</sup>

Although the Patapsco River had not figured significantly in the Olmsted study, the report included the area in plans for the future development of parkways and metropolitan river valleys. The land along the Patapsco River donated to the Board of Forestry in 1907 was in the beautiful and rugged middle stretch of the river above the fall line. That portion of the river had long been used by local residents for picnics, swimming, and fishing. During the first decade of the century, the valley had seen increasing degradation and destructive logging. Mills still operated along the narrow middle portion of the river, and water pollution was becoming common.

In 1910 a particularly aggressive logging operation in the valley brought calls for its protection. William Ellicott, a member of the influential Ellicott family that owned property and mills along the river who had served as a prominent member of the Municipal Art Society, called upon the city to purchase the middle section of the valley. He argued that the Patapsco area would be a superb addition to the metropolitan park plan promoted by Mayor Venable. Local papers featured Ellicott's call, and supportive letters to the editor struck a nerve.<sup>16</sup>

Whereas the Olmsted study had focused on the western and northern portions of the Baltimore metropolitan area, Ellicott looked to the south. In 1910 he published an article in *American Forestry* in which he called for the creation of a National Capitol Forest stretching from Washington, D.C., to Baltimore that included the middle section of the Patapsco. The Municipal Art Society passed a resolution urging state and federal legislators to lend their support to Ellicott's proposal. The significance of the society's resolution was not lost on Besley, who had contributed a section on forests to Ellicott's article.<sup>17</sup>

Besley realized the effort to preserve the beauty of the middle Patapsco might prompt the state to allocate funds for land purchases. His 1910–1911 annual report reflected this awareness when he added scenic beauty to timber and water supply as the purposes of forests in the Patapsco reserve. To attract the attention of the legislature, Besley suggested that the Patapsco forest reserve should be managed as a state park for recreation and pleasure, noting, "It is the desire of the Board to increase the area of the reserve to develop it along park lines provided the money

<sup>15</sup> Minutes of Municipal Art Society of Baltimore, December 14, 1909, November 21, 1910, MS 2840, Maryland Historical Society.

<sup>16</sup> *Sun*, November 15, 21, 1910.

<sup>17</sup> William Elliott and Fred Besley, "A National Capitol Forest," *American Forestry*, June (1910): 4–11. Minutes of Municipal Art Society of Baltimore, April 4, 1911, MS 2840, Maryland Historical Society.

is available.” In contrast, Besley described the purposes of forest reserves in western Maryland as providing timber, clean water, and slope protection.<sup>18</sup>

In this effort to gain support for expanding the Patapsco reserve, Besley revealed his conflicting notions of forests and parks. Although he spoke of the wildness and beauty of the Patapsco, he referred far more often to the practical benefits of forest protection—the commercial importance of the river, the sole source of freshwater for many, and a valuable source of power. An expanded Patapsco reserve, he observed, could also be used to demonstrate forest management practices. He noted that the present reserve was “now being managed along these general lines” and there would be revenues derived from cuttings in the nature of “cultural operations.” In the future, he said, preservation of the “utility and beauty” of the forest reserve would be primary objectives. Although the significance of this coupling of utility and beauty will be shown later, it can be stated at this point that beauty was advanced only to promote utility. If utility were threatened, beauty, as it were, would get the ax.<sup>19</sup>

In 1912 the General Assembly appropriated \$50,000 for the purchase of lands along a twelve-mile strip of the middle portion of the river “for the purposes of a State Forest Reserve.” The legislature also allocated \$8,000 to purchase land that contained the ruins of colonial Fort Frederick (ultimately purchased in 1922). In 1914 the legislature extended the Patapsco purchase area, although it did not allocate new monies. By the end of the decade the reserve had expanded from its original forty-three acres to just under one thousand acres with an additional fifteen hundred acres of auxiliary forest.<sup>20</sup>

Some observers regard the expanded Patapsco Reserve as Maryland’s first state park for two reasons. First, the reserve offered recreational opportunities in the form of camping, picnics, swimming, and hiking. Second, some publications of the era referred to it as “Patapsco Park” and “Patapsco Forest Park.” A recent article goes so far as to offer these two points as evidence that Maryland “was in the vanguard of the state park movement.”<sup>21</sup>

The forestry board promoted the Patapsco Reserve as a “pleasure grounds” and claimed recreation as the site’s primary purpose. In 1919, a Board of Forestry pamphlet entitled *The State Reserves of Maryland: A Playground for the Public* focused on the recreational value of these state lands. Recreation was mentioned in

<sup>18</sup> SBF Report 1910–1911, 26.

<sup>19</sup> Ibid., 28.

<sup>20</sup> Maryland Legislature, Acts of 1912, Chapters 749 and 794, Acts of 1914, Chapter 209. SBF Report 1920–21, 16. Auxiliary forests (also called cooperative forests) were initially informal arrangements between landowners and the SBF that permitted the SBF to have access to lands, primarily for camping and recreation, in exchange for assistance in forest management and protection. This arrangement was formalized in 1927 by the Maryland legislature (Acts of 1927, Chapter 352).

<sup>21</sup> Buckley and Grove, “Sowing the Seeds of Forest Conservation,” 306–7.

reference to forest reserves in the western portion of the state as well, yet attention remained almost exclusively on Patapsco. The Boy Scouts used the first campsites, established in 1917, and the success of that venture led the board to offer camping to the general public. To encourage this activity the pamphlet included "The Art of Being Comfortable," a primer on how to camp. By the early 1920s the board presented Patapsco as primarily a recreational landscape, yet recreation does not a park establish.<sup>22</sup>

### The USFS, NPS, and Recreation

The Maryland Board of Forestry's sudden interest in the recreational value of forest reserves mirrored national trends. The creation of the National Park Service in 1916, the phenomenally popular existing national parks, and the extensive coverage of these attractions in the press, forced the United States Forest Service to take notice. The service feared the NPS would seek to transfer large tracts of USFS lands to the NPS for the establishment of new parks and for the extension of existing sites. In addition, foresters worried that a muscular NPS would threaten USFS budgets and authority.<sup>23</sup>

In 1917, less than a year after the establishment of the NPS, the forest service undertook a review of the recreational values of its forests. The subsequent report was effusive in its description of the role of recreation in forest reserves—"recreation stands clearly as one of the major Forest utilities." It is noteworthy to compare this pronouncement with Gifford Pinchot's 1907 "Use" book in which recreation was barely mentioned.<sup>24</sup>

In 1920, Henry Graves, USFS Chief Forester (1910–1920), captured the general mood within the forestry profession regarding recreation, forests, and parks. Observing that there was a movement to enlarge federal and state forest and park lands, he said, in reference to forests, that "while the occasion of such reservations is frequently the protection of watersheds, timber production, or other public benefits, all the areas afford opportunities for outdoor recreation." He further noted, "The recreational opportunities and the wildlife are regarded as important natural resources to be protected, used and developed in correlation with timber, grazing, water, and minerals." Graves defended the idea that recreation

<sup>22</sup> J. Gordon Dorrance, *A Playground for the Public* (Baltimore: Maryland State Board of Forestry, 1919), 11.

<sup>23</sup> Hal K. Rothman, "A Regular Ding-Dong Fight," 109–24; Sellars, *Preserving Nature in the National Parks*, 35–38; 57–58; Swain, *Federal Conservation Policy*, 134–38; Shankland, *Steve Mather of the National Parks*, 175–79; Steen, *The U.S. Forest Service: A History*, 152–62.

<sup>24</sup> Frank Waugh, *Recreation Uses of the National Forests* (Washington: Government Printing Office, 1918), 26. In Gifford Pinchot, *The Use of the National Forests* (Washington: U.S. Forest Service, 1907), the only mention of recreation is found in a single paragraph (24) titled "Playgrounds," which begins "Quite incidentally, also, the national forests serve a good purpose as great playgrounds for the people . . . [T]heir value in this respect is well worth considering."

was an important and legitimate aspect of forest reserves and tied the concept to concerns that the NPS would take possession of the recreation portfolio, thereby leaving the USFS vulnerable. He also noted that failure to clearly distinguish the relative functions of national parks and forests had led to calls for large transfers of land from forests to parks, which could jeopardize the entire forestry system.<sup>25</sup>

Graves was unflinching in his assessment of national parks. Although he acknowledged the necessity of removing "exquisite landscapes" from all considerations of industrial development, he did suggest eliminating lands with merchantable timber from national parks. He recommended the transfer of the NPS to the Agriculture Department so that its work might be "more closely correlated with that of the forest service."<sup>26</sup>

The significance of this debate on the relationship between forests and parks, and the threat parks might represent, was not lost on Besley. As the 1920s began, the board continued to place heavy emphasis upon fighting fires, forest education, and the expansion of lands already under its control. Besley frequently mentioned recreation as an important function of state forest reserves. He saw recreation as a means to gain public support and, he hoped, as a way to obtain funding for new lands. Besley had to proceed cautiously, as a strong focus on recreation risked encouraging park advocates. This concern appeared in his 1921 annual report. "The recreational use of state forests do not, in any way, interfere with their primary use for timber production, watershed protections, and for conducting experiments and demonstrations in timber growing."<sup>27</sup> Besley echoed Graves' concern for the relationship between parks and forests and argued against having separate administrative units. That, he believed, would result in sustained rivalry and conflict.<sup>28</sup>

For its part, the National Park Service faced an early challenge to keep inferior landscapes out of the national park system. Federal and state legislators had been quick to suggest areas for inclusion, but the park service deemed many of them inappropriate. Stephen Mather, the first director of the park service, realized that promoting state park systems might deflect many of these efforts. In January 1921, at Mather's prompting, a national conference on state parks met in Des Moines, Iowa, and created the National Conference of State Parks (NCSP).<sup>29</sup>

<sup>25</sup> Henry Graves, "A Crisis in National Recreation," *Journal of American Forestry*, 26 (1920): 394

<sup>26</sup> *Ibid.*, 400.

<sup>27</sup> SBF Report 1920-21, 15.

<sup>28</sup> Fred Besley, "State Forests in Relation to the National Forest Program." Paper delivered at the Annual Meeting of the Society of American Foresters, Madison, Wisconsin, December 17, 1925, reprinted in *Geological Pamphlets*, 78/93 (1925): 153-58.

<sup>29</sup> There is some confusion regarding the title of this conference. Although there is no formal record of the meeting, the *Iowa Conservationist* (Vol. 5, No. 1, 1921) published a full record of the meeting, "The First National Park Conference." Regardless of its title, the subject of the meeting was state parks. At the time of the conference, nineteen states had parks. Maryland was not among them.

An interesting and instructive park-forest controversy emerged at Des Moines. The USFS had been increasingly frustrated by what they perceived to be a vigorous campaign by the NPS to bring under its control all things relating to recreation. In response the forest service by 1920 had begun to aggressively publicize the recreational value of forests. At the conference, Arthur Carhart, a landscape architect with the USFS and the first in the service to propose protecting a forest reserve area from development, criticized the park service for ignoring the recreational assets of federal and state forests. This prompted an angry response from Mather, and the simmering tension between the agencies was out in the open.<sup>30</sup>

The early 1920s saw increased conflict between the two agencies that to a large extent prompted President Calvin Coolidge to host a conference on outdoor recreation in 1924. If the goal of the conference was to mend fences, it failed entirely, and the fight over recreation would only grow worse in the next decade. The conference did contribute to a growing appreciation within the forest service of both recreational and wilderness values. What is clear is that without the perceived threat from a competing agency, the National Park Service, there is little reason to believe the forest service would have been inclined to consider recreation or wilderness values as particularly important factors in forest management.<sup>31</sup>

### Maryland Parks and Forests in the 1920s

In 1919, the National Park Service asked each state to provide information on their state parks. Maryland reported it had no state parks but noted the city parks previously mentioned. Six months after the Des Moines conference, in July 1921, the NPS again contacted states regarding progress in establishing state parks. This time Besley responded and said the state had several forest reserves, which might be classified "as state parks for recreation purposes." Besley was equating recreation opportunities with state parks, something NPS deputy director Arno Cammerer noticed when he pointedly thanked Besley for the information he had offered on "the state forests of your state."<sup>32</sup>

In 1922 state government in Maryland was reorganized. The State Board of

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Although governors were encouraged to send representatives from all relevant organizations, there were no representatives from the Board of Forestry. The Maryland delegation consisted of a single individual, J. Cookman Boyd, President of the Board of City Commissioners in Baltimore. See *Iowa Conservationist*, 5 (1921), 17.

<sup>30</sup> Swain, *Federal Conservation Policy, 1921-1933*, 134-35.

<sup>31</sup> There were advocates in the forest service for wilderness and for recreation, but they were a small if vocal minority. Without pressure from the NPS, it is unclear how successful they would have been in advancing the wilderness/recreation agenda.

<sup>32</sup> Mather to Harrington, June 24, 1919, box 653; Radcliff to Mather, September 15, 1919, box 655; Besley to Cammerer, July 26, 1921, box 655; Cammerer to Besley, July 27, 1921, box 655, Central Classified Files, 1907-1949, National Park Service, National Archives and Records Administration Record Group 79 [hereafter referred to as NA-RG79].

Forestry became the State Department of Forestry (SDF) and fell under the authority of the Board of Regents of the newly established University of Maryland (formerly the Agricultural College of Maryland). Little would change in the duties of the state forester or in the mission of the renamed department, which continued to include the "protection and improvement of state parks and forest reserves."<sup>33</sup>

Throughout the 1920s the NPS and the NCSP listed Maryland as having no state parks, with one instructive exception. In its 1927 annual report, the NCSP published a map of the nation's state parks that showed Patapsco and Fort Frederick as Maryland state parks. This was undoubtedly due to Besley's description of these areas as pleasure grounds and to his description of state forests as state parks for recreation purposes. In an addendum to the report, however, and undoubtedly at the urging of Maryland's forestry department, the NCSP published a retraction in a section entitled "Additions to State Park Systems." There it noted that Maryland's Fort Frederick and Patapsco, previously listed as state parks, were in fact state forests. The following year the NCSP reported that thirty-five states had state parks—Maryland was not among them.<sup>34</sup>

Why such concern over labeling these two areas as parks? After all, the State Department of Forestry had occasionally referred to Patapsco as a "natural park" and as a "forest park." The reason was simple: Parks were landscapes within which preservation, not conservation, was the prevailing philosophy that informed management strategy. Besley, in his use of "park" as it related to Patapsco, only intended recreation, not preservation. In this he echoed Graves' 1920 view of parks. Recreation does not threaten conservation, as do parks and park systems. A park would limit, if not deny, opportunities for forestry. The SDF used forest reserves such as Patapsco and Fort Frederick as demonstration forests, which Besley described in a 1932 interview with the *Baltimore Sun*:

The state department [of forestry] experiments in planting and cultivating new stands. Its aim is to furnish to the lumberman accurate statistics on what trees can best be grown on certain soils, the care necessary for their growth, and proper methods of cutting and pruning. . . . Besides facilitating the practical business of lumbering, the state department points out that the forest reserves afford excellent opportunities for hunting and fishing, to say nothing of their adding to the scenic value of the state.<sup>35</sup>

<sup>33</sup> Maryland Legislature, Acts of 1922, Chapter 29.

<sup>34</sup> National Conference of State Parks, *Annual Report*, 1927 (Washington, D.C.: National Conference of State Parks); Beatrice Ward Nelson, *State Recreation: Parks, Forests, and Game Reserves* (Washington, D.C.: National Conference of State Parks, 1928).

<sup>35</sup> *Sun*, July 7, 1932.

There was yet another reason for Besley to keep Patapsco as a forest reserve and not as a state park—commercial potential. He had previously described Patapsco as “well timbered” and “rapidly increasing in value” and had observed that “only such select trees as are over mature and declining in value are sold.”<sup>36</sup>

Although there were (and are) no federal forest lands in Maryland, by 1925 Besley had grown wary of federal efforts to purchase lands for forest reserves in the East. He argued that Maryland was too small to support both national and state forests and suggested that federal efforts could leave the department with no forest lands to manage and thus “work itself out of a job.” In 1927, the General Assembly reversed a 1908 law that had granted the federal government power to purchase lands in the state for the purpose of establishing a national forest. The following year the legislature granted the SDF funds to purchase lands for “public improvement.”<sup>37</sup>

In selecting lands for purchase, the State Department of Forestry revealed its hand regarding the value it placed on Patapsco and Fort Frederick as recreational landscapes, as well as its view of parks in general. The agency declared the minimum purchase area to be five thousand acres, a policy that effectively eliminated any chance of extending holdings in Patapsco or Fort Frederick, where there was little chance of finding that much land available. Although land costs would be higher around these two areas, it would have been possible to buy new lands for each with a lower acreage limit. Instead, the SDF increased its holdings in western Maryland and purchased a few smaller parcels in the southern and eastern portions of the state that would be used for demonstration projects.<sup>38</sup>

Why limit purchases to parcels of five thousand acres or more? In 1925, Besley stated that from the beginning of the forestry movement, acquiring lands to create state forests was a primary objective. With sufficiently large areas, he reasoned, it would be possible to demonstrate correct principles of forest management on a scale large enough to give them practical value. “There is nothing that gives greater prestige, importance, and permanency to a forestry department,” he noted, “than the ownership and management of extensive forests.” Accordingly, from 1929–1932, the agency selected lands for purchase almost exclusively upon considerations of practical forestry. Recreation, if mentioned at all, appeared as an afterthought, and parks received no attention whatsoever. By early 1932, the SDF had increased its holdings to roughly 49,000 acres, the great majority of which lay in the western portion of the state, far from population centers.<sup>39</sup>

<sup>36</sup> State Department of Forestry (formerly Board of Forestry) *Report* 1922–23, 15–16 [hereafter SDF].

<sup>37</sup> SDF *Report* 1929, 13; SDF *Report* 1931–32, 11.

<sup>38</sup> The SDF received \$50,000 in 1929 and 1930, and \$25,000 in 1931. Besley to Pearson, December 17, 1929, box 5, Forestry Department 1927–1935, Reports of the Presidents Office Series VII, Maryland Room, Hornbeck Library, University of Maryland, College Park [hereafter referred to as RPO].

<sup>39</sup> Fred Besley, “State Forests,” 153. Besley to Pearson, no date, box 17, RPO Series VII. These smaller purchases required the approval of the entire Board of Regents.



### What's in a Name?

A quarter-century of work by Besley and the State Department of Forestry had yielded only one significant recreational landscape (Patapsco), a number of forest reserves in western Maryland used primarily by hunters and fishermen, and not a single park. As noted, Patapsco had been referred to as Patapsco Park, or Patapsco Forest Park, but just as often it was simply labeled a forest reserve. The use of "park" was really a matter of convenience when speaking of recreational opportunities and did not reflect an operating philosophy. It was a "park" to the extent that people could recreate there, but it was in fact a forest reserve with an active management program that included the culling of "mature" and economically valuable timber of declining "worth." Recreational development in the Patapsco forest reserve had been limited to clearing sites for camping and creating a few hiking and riding trails. In point of fact, considerable camping took place on "cooperative lands," those adjacent to the reserve that private land owners leased to the state in exchange for fire protection and forest management. Fort Frederick, the other oft-labeled early Maryland park purchased in 1922, remained neither developed nor restored. Although some did camp there, an assistant state forester, in 1933, described the site as "falling apart" and the situation as "hopeless."<sup>40</sup>

Campers and sportsmen used other state reserves in the western part of the state, but few improvements had been made to these sites. In his 1930 annual report, Besley described their function primarily as timber production but noted that recreational use would be encouraged "as far as facilities can be provided." Without a budget or agency effort to obtain the funds, few of these facilities existed. It was clear that recreation in these distant areas, far from population centers, was of minor importance at best.<sup>41</sup>

Besley was not unaware that there were areas of scenic beauty and high recreation value that would be "better for park use." Interestingly, he argued that these areas could be "administered much more economically under the forestry administration than to have them set apart and administered separately under a park commission." Besley further observed that if separate departments were established, "there would be competing and conflicting interests which inevitably cannot be satisfactorily reconciled, and one or the other must be sacrificed."<sup>42</sup>

What did Besley intend by declaring that irreconcilable "conflicting interests" would arise between separate park and forest agencies? The answer lies partly in the way he qualified his position regarding some areas being "better for park use."

There are other areas that are valuable *only and exclusively* for parks. Often these areas are in close proximity to cities and towns more directly inter-

<sup>40</sup> "Old Landmarks Restored by CCC," [Hagerstown, Maryland] *Daily Mail*, April 1, 1936.

<sup>41</sup> SDF *Report*, 1930, 13.

<sup>42</sup> Fred Besley, "State Forests," 155.

ested, thereby becoming a local affair in which the city or town, itself, is chiefly interested, and should have control.<sup>43</sup>

As Besley saw it, the ultimate purpose of forest reserves was timber production. There were no state forest lands to set aside solely and exclusively for parks. The conflicting interests he envisioned were precisely those that arose with the issue of harvesting mature timber.

Maryland's Forest Conservation Act had called in part for the state forester "to direct the protection and improvement of State parks and forest reserves," but little had been done on behalf of parks since 1906. If the record had stopped in 1932, some might view the SDF's focus upon forests at the expense of parks as understandable, given its limited funds and opportunities. But the story did continue—through the New Deal's Civilian Conservation Corps. The CCC brought a new player into Maryland, the National Park Service, which prompted a competition between park and forest interests that had not previously existed in the state. As a result of this competition, the SDF's philosophy was made explicit.

### The CCC in Maryland

Congress passed the Emergency Conservation Act on March 31, 1933 and five days later established the Office of Emergency Conservation Work, more commonly referred to as the CCC. The agency had the authority to undertake improvement and protection projects in national—and in state—forests and parks. On May 10, 1933, the U.S. Forest Service and the National Park Service hammered out an agreement on forest work in the states. The park service took responsibility for projects in which 50 percent of the proposed work did not include resource management. The USFS otherwise had control.<sup>44</sup>

By the end of May 1933, Maryland had five CCC camps in operation, all under USFS supervision. A camp opened at Patapsco State Forest Reserve on June 11, and by the end of the year the state had secured several additional federal CCC camps. The work in those camps focused primarily upon forest management activities such as pruning and thinning, eliminating undesirable trees, eradication of disease, fire suppression, and the construction of fire trails and fire roads. The SDF made no application to the park service for CCC projects in Maryland. At this time, only the NPS had the authority to undertake work intended to develop and improve recreation facilities in forests and parks.<sup>45</sup>

The NPS regional inspector for Region 1, which included Maryland, was Tell

<sup>43</sup> Ibid., 155.

<sup>44</sup> John Paige, *The CCC and the National Park Service 1933–1942: An Administrative History* (Washington, DC: The National Park Service, 1985). On the CCC, see also John Salmond, *The Civilian Conservation Corps, 1933–1942* (Durham: Duke University Press, 1967).

<sup>45</sup> Sun, April 16, May 28, 1933; Besley to Pearson April 24, 1933, box 17, RPO VII.

Nicolet, who first visited the state in late 1933. He met with Besley and the SDF staff on November 10 and found Besley non-committal regarding possible NPS projects. Although the SDF managed more than 49,000 acres, Besley held that only two or three small projects might be suitable for a NPS CCC camp. Presented with the opportunity to work with the NPS to advance recreation and parks in Maryland, Besley rebuffed the offer. Nicolet persisted, and by early 1934, assisted by several influential Marylanders, he managed to get Besley to suggest the restoration of Fort Frederick for a NPS CCC project. Under further prodding from Nicolet, Besley agreed it might make sense to transfer Patapsco to NPS control. Shortly thereafter, when Nicolet notified Besley that Fort Frederick would receive approval for a CCC camp, Besley informed him he had changed his mind about the Patapsco transfer, claiming that he saw no reason for the move since the site already had some hiking and bridle trails. Perhaps more importantly, Besley stated he did not want to erect any buildings in the reserve.<sup>46</sup>

This latter observation is particularly telling. A major goal of the NPS CCC programs included enhancing state parks (and state forests) with such things as pavilions, cabins, and other recreation-related buildings and structures. The SDF, presented with a wonderful and virtually no-cost opportunity to improve the very limited recreational opportunities in Patapsco, the state's only recreational landscape of any consequence, refused to recommend the transfer. An NPS CCC camp at Fort Frederick was fine, for it contained only a few hundred largely deforested acres and a nearly collapsed structure. But Patapsco, with its much larger area of mature forest within which the SDF carried out forest research projects, was another matter altogether. Undeterred, Nicolet informed Besley that he would only approve the Fort Frederick CCC camp if Besley applied for the Patapsco transfer. Besley reluctantly agreed, and the park service approved the two sites as CCC camps in March 1934.<sup>47</sup>

In comparing the work done after the NPS replaced the USFS in Patapsco, Herbert Meyer, NPS Project Supervisor, wrote "this change necessitated work of an entirely different character from that done formerly as the park *is now an area for recreation*" (emphasis added). A park service report regarding work done by the CCC camp at Patapsco in 1933 and 1934 was scathing in its assessment of the negative impact upon wildlife and upon the recreational potential of the reserve that had resulted from the "forest stand improvement and thinning." The report also noted that damage would have been much greater had not a local nature study organization intervened. Five months after the transfer of Patapsco to the

<sup>46</sup> Box 10, District Inspector Report (Tell Nicolet), District 5, November 1933, Reports of District Officers and Inspectors Concerning State Park Emergency Conservation Work, 1933–35, District IV, V [hereafter referred to as DIR], NA-RG79; DIR December 1933, DIR January 1934, Weatherwax to Wirth January 2, 1934, box 10, DIR January 1934, DIR March 1934, NA-RG79.

<sup>47</sup> DIR March 1934, NA-RG79.

NPS, the *Baltimore Sun* ran an article entitled "The Old Patapsco Forest Reserve is Modeled into the New Patapsco State Park."<sup>48</sup>

### State Parks Board

The NPS worked hard to get states to establish independent park boards to ensure that a dedicated park authority would be in place to operate and maintain completed CCC projects in newly created or improved state parks. By the fall of 1934, Nicolet was working to establish an independent State Parks Commission in Maryland. In his October 1934 report, he predicted "something definite in the next legislature towards establishment of a state park department."<sup>49</sup>

Aware of the increasing interest in state parks not only in Maryland but across the nation, Besley in early 1935 requested an additional \$25,000 per year for three years to acquire land:

It is highly desirable that areas suitable for state parks be purchased along with state forest land. There is a strong movement for state parks, but we want to avoid a separate park board or commission, which would not only add much to the expense of operation but would set up a competitive agency, probably divorced from the forestry department and the University of Maryland. If we obtain sufficient funds to move the park program along with the state forests, under the forestry department, I believe those interests would be satisfied, but unless we do have substantial appropriations for land acquisition to carry out the program, we are likely to lose out with the park people.<sup>50</sup>

This passage is interesting for two reasons. First, when Besley obtained significant funds for land acquisition (1929–32) that resulted in an increase in SDF holdings from 3,843 acres in 1928 to 48,947 acres in 1932, he added not one acre to the so-called park landscapes, Patapsco and Fort Frederick. Second, his sudden advocacy for park lands was driven more by the threat of an independent park authority than pressure from park advocates. No funds were forthcoming, and this request represented the sum total of SDF efforts regarding the purchase of park lands in the 1930s.<sup>51</sup>

Nicolet, working with the encouragement of the governor's office and in cooperation with the State Planning Commission, wrote language for a bill (S392) to establish a State Parks Commission in Maryland. The "parks" bill was submitted to the legislature early in 1935.

Unaware of the bill's existence until after its first reading, Besley was furious.

<sup>48</sup> *Sun*, August 22, 1934.

<sup>49</sup> DIR October 1934, NA-RG79.

<sup>50</sup> Besley to Pearson, January 23, 1935, box 17, RPO VII.

<sup>51</sup> Maryland Legislature, Journal of the Senate, 1935. *SDF Report 1931–32*, 10–11.

He described S392 as "ill advised and unjustified" and railed that a park commission would be expensive and would work "for large appropriations for acquiring areas for parks that could be secured to the state forest program at much less cost." Besley argued for lower cost state forest purchases because he did not distinguish between forest and park lands. Given the chance, he would buy land in far western Maryland, or on the eastern shore, where prices, and population, would be far lower, and place these properties under forest management. A state parks commission would be more inclined to purchase land where populations were greater and the land more expensive. (Patapsco, for example, would focus on recreation.) Besley's reluctance to promote parks even extended to gifts of land. Despite his efforts, S392 passed the Maryland legislature, but owing to a mix-up with the printer the final bill contained a funding provision that had not been debated. The legislature, in the final days of its session, had no time to rework the bill and pulled it from the list.<sup>52</sup>

In 1934 the commissioners of Cecil County suggested that the National Park Service consider lands within the county for inclusion in the agricultural resettlement program, with the ultimate purpose of creating a national park. The commissioners hoped that with an established park they would also get a CCC camp. After a survey of the area determined it was unsuitable for a national park, Nicolet suggested that the area was ideally suited for a state park. The possibility of a state park on the Chesapeake Bay, which lacked a recreational area for the general public, caught his attention. The county would have to find a way to purchase the land and deed it to the state before the NPS could set up a CCC camp.<sup>53</sup>

Cecil County created a state park committee and, with Nicolet's help, began raising funds for land purchases. By mid-1935 the county had obtained more than four thousand acres through purchases and gifts and planned to add an additional four or five thousand acres over the next few years. A particularly crucial land acquisition resulted from Nicolet's success in persuading a local physician, Dr. W. L. Abbott, to bequeath his 355-acre waterfront property to the state. Al-

<sup>52</sup> Besley to Shriver, March 20, 1935, box 17, RPO VII; Besley to Merriam, July 5, 1935; box 244, Records of the Branch of Recreation, Land Planning, and State Cooperation, State Park Files, 1933-47, NA-RG79; Nicolet to Byrd, August 8, 1935, box 2, RPO VIII; Nicolet to Third Regional Office (Richmond), August 17, 1935, box 244, Weatherwax to State Park ECW (NPS) August 17, 1935, Records of the Branch of Recreation, Land Planning and State Cooperation, NA-RG79; Nicolet to Byrd August 24, 1935, box 2, RPO VIII; Personen to Besley, August 26, 1935, Besley to Personen, September 4, 1935, Records of the Branch of Recreation, Land Planning, and State Cooperation, NA-RG79.

<sup>53</sup> Cecil County State Park Commission, untitled memorandum, September 4, 1935, details history of efforts to have Elk Neck declared a park. See also Cecil County Historical Society, *History of Elk Neck* (Elkton, Md.: Cecil County Historical Society, 1973), Folder Elk Neck State Park and History, Cecil County Historical Society. The NPS required all projects to be conducted on state-owned lands with the explicit understanding that the state would assume responsibility for operations and upkeep when the project was completed.

though the State Department of Forestry played a minor role in the Elk Neck initiative, Besley did inform the county that the state would accept the land and maintain it as a park, a promise that prompted several large donations of land. To ensure that the state would manage Elk Neck exclusively as a park, the county at Nicolet's prompting included language in the deed that required the state to accept the land for the purpose of establishing a state park. In addition the deed required the state to maintain it "for said purpose and no other, forever." As written the deed foreclosed any opportunity for forestry in the donated lands.<sup>54</sup>

Besley and the SDF objected to the deed's restrictive language, arguing that most of the four thousand acres had no park value, but had worth as a forest reserve. Besley stated that the "park value of the Elk Neck property will be chiefly in the 25 acre waterfront property and the 330 acre Abbott property." The remainder, more than 3,500 acres, would benefit from good forestry practices that would eventually generate revenue. Besley, concerned that the deal might collapse, ultimately recommended that the board accept the restrictive language. However, Besley noted there was no clear distinction in Maryland law between "forest" and "park." He also observed that the deed contained no "reverter" clause by which the land would revert to the county in the event the SDF did not abide by the deed. Accordingly, Besley suggested they could call it a park if necessary but still manage the area as a forest. Besley told the board that if they did not receive an NPS CCC camp, he would arrange for a USFS camp. The board of regents accepted the land at their April 19, 1936, meeting.<sup>55</sup>

Although local newspapers hailed the new "5,000 acre park on Elk Neck," Besley proceeded to manage most of the land as a forest reserve. Work begun in 1937 focused on fire control, soil erosion, stream pollution, and forest stand improvement. Elk Neck as a park received little attention. By 1941, the SDF had constructed nine cabins, but no bathhouse. In 1942, the state reported Elk Neck Forest Reserve at 3,762 acres and Elk Neck State Park at 807. Four years later, in 1946, the only recreational area on the bay had no swimming facilities.<sup>56</sup>

### Neither Parks Nor Recreation

Elk Neck further demonstrated the SDF's apathy, and perhaps hostility, to the concept of formal parks, which it viewed as appropriate only in urban settings.

<sup>54</sup> Cecil County State Park Commission, untitled memorandum, September 4, 1935; Besley to Abbot September 4, 1935, Folder Elk Neck State Park and History, Cecil County Historical Society, DIR October 1935, November 1935, NA-RG79.

<sup>55</sup> Presentation by Besley to Board of Regents, March 31, 1936, Besley to Skinner, April 4, 1936, box 2, Forestry Dept., RPO VIII; Minutes of June 19, 1936, box 2, Board of Regents Meeting, February 1936, Record of the Board of Regents, Series IV.

<sup>56</sup> *Sun*, May 25, 1937, July 6, 1941, April 4, 1946; Department of State Forests and Parks, *Our Maryland Forests: What They Mean to Us* (Baltimore: Maryland Commission of State Forests and Parks, 1942), 24, 27.

Official park designation limited, and at times prohibited, harvesting of the land's timber. In addition, Besley and many foresters viewed parks as unnecessary, because forests already provided, albeit minimally, for public recreation in the form of hunting, hiking, and camping. Little had been done to facilitate these uses of the forests. Even in Patapsco, work had been limited to camp sites, trails, and pavilions. In the Cascades, one of the more beautiful areas of the Patapsco reserve, the SDF did not display effective management. The NPS 1937 site report on wildlife lamented the deterioration of the area, noting the degraded and disappearing vegetation, boulders blackened by campfires, badly trampled stream beds, the paucity of birds, and the complete absence of picnic or sanitation facilities.<sup>57</sup>

After more than thirty years of the Forest Conservation Act and five years after the CCC began work in Maryland, the state had virtually no recreational infrastructure. Besley acknowledged as much in 1937 when he wrote that because CCC work had been "of necessity almost wholly utilitarian . . . recreation work in the forests may be regarded as still in its infancy." Moreover, the SDF tended to equate forestry work with recreation efforts, as in suggesting that fire trails and roads were really efforts to improve recreation. Although trails could be utilized by hunters and others, the needs of fire control and timber harvest determined their placement.<sup>58</sup>

Besley continued to place forest priorities above those of parks. In 1937 he described in glowing terms the recreational potential of Maryland's western forest reserves and suggested that one area, the Herrington Manor section of Swallow Falls State Forest Reserve, could become "a Maryland Lake Placid." That said, he noted it was his agency's policy to move cautiously and stated that he would only provide new recreational opportunities upon demonstrated demand. "If thousands of people avail themselves of the recreational possibilities in the state forests . . . then we will develop more areas for summer and winter use . . . it all depends on the demand of the public." He then hastened to note that with increased recreation opportunities "more administration problems will surely arise," and "Of course, the traditional purpose of the forestry service is to guard the water supply and develop timber."<sup>59</sup>

<sup>57</sup> Memorandum from O. B. Taylor to Ford (NPS), June 29, 1937, "General Survey of Wildlife, Patapsco Park," box 248, Records of the Branch of Recreation, Land Planning, and State Cooperation, NA-RG79.

<sup>58</sup> *Sun*, February 25, 1937.

<sup>59</sup> *Ibid.*, May 23, 1937, April 7 1940. Cabins were built in state forest reserves in western Maryland, not so much due to Besley's efforts but at the initiative of the USFS. The service had successfully outmaneuvered the NPS and had received permission from the Office of Emergency Conservation Work to undertake recreation-related projects similar to what the NPS was doing. Between 1937 and 1940 a total of thirty-five cabins were built in Maryland by the CCC; by 1960, the state had managed to add exactly four additional cabins. Maryland State Planning Commission, *Maryland Recreation Areas: A Report on Present Assets and Future Needs for Nonurban Public Recreational Areas* (Baltimore: Maryland State Planning Commission, 1940), Table A, 14–15, 39; *Sun*, December 11, 1960.

The lack of recreational opportunities in Maryland was noted in a major report published in 1940. The study had been undertaken in response to the 1936 Park, Parkway, and Recreation Areas Act, which authorized the National Park Service to assist states in inventorying their recreational resources. The State Planning Commission conducted the study, not the SDF, and included among its recommendations that the latter agency be renamed the State Department of Forests and Parks. Investigators reported limited recreational resources and noted, "public recreation, as a state government function in Maryland, is comparatively new." The commission recommended a dramatic increase in lands devoted to parks and offered the following observation:

Almost self-evident, yet worth emphasizing, is the policy of prohibiting any commercial timber-cutting within parks or other areas in which recreation is the primary factor. Except in sections where intensive use injects considerations of safety, it is a questionable practice to remove even normally dead trees.<sup>60</sup>

This language was completely at odds with longstanding practices and the prevailing philosophy of the SDF regarding timber management and recreation on forest reserves.

In 1941 the state underwent a major reorganization of state government. The University of Maryland transferred the SDF to the newly created Board of Natural Resources, renamed it the State Department of forests and Parks (SDFP), and charged the renamed agency with giving increased attention to parks. As the result of mandatory retirement, Besley left in 1942, having served as the state forester since 1906.<sup>61</sup>

Notwithstanding the change in leadership at the SDFP and the new name, not much changed during the 1940s in terms of park development. The end of the CCC in Maryland brought an end as well to the proactive role of the NPS on behalf of parks in the state. Without the stimulus of the NPS, the SDFP reverted to its practice of largely ignoring recreation and park matters. The war years saw little activity in the state's few "parks," which by 1945 were in particularly bad shape.

The state had done a poor job in serving the recreational needs of its citizens. By 1944 the imbalance between forests and parks had become striking—106,168 acres of forest reserves and just 3,804 acres of state parks, a significant portion of which had been donated. The following year, a report by the Maryland State

<sup>60</sup> Maryland State Planning Commission, *Maryland Recreation Areas*, 39.

<sup>61</sup> Maryland Legislature, Acts of 1941, Chapter 508; Edna Warren, "Forests and Parks in the Old Line State," *American Forests*, 62 (1956): 13–25, 56–77.



Department of Research and Education ranked Maryland forty-third out of the forty-eight states in providing park facilities for its citizens. The report echoed the 1940 recreation study in calling for a major expansion of park lands and facilities.<sup>62</sup>

The SDFP, though, appeared content to continue its passive approach to recreation and parks. For example, in 1946, responding to criticism regarding limited facilities in state parks and in particular at Elk Neck State Park, where cabins were viewed as inadequate and swimming was still not available, SDFP Chief Kaylor stated, "It is the state's policy to furnish only a limited amount of vacation accommodations at this park and that by such a demonstration, it is expected private interests will be encouraged to develop such additional units as are warranted in that vicinity." Kaylor added that in order for the SDFP to meet the existing needs it would have to develop Elk Neck as a major recreation area, a move that rising land costs would make expensive. He left no doubt as to his reluctance to embark upon such a project.<sup>63</sup>

Not surprisingly, the SDFP offered no major recommendations for parks or recreational development in the 1940s. The effort to develop a bayside park in the late 1940s, prompted in part by the Maryland State Department of Research and Education, was largely managed by the State Planning Commission (SPC) with the assistance of the NPS. Likewise, the 1946–50 effort to develop the lower Patapsco Valley's recreational resources was an outgrowth of a local businessmen's group that enlisted the support of the SPC, which in turn sought and received the assistance of the NPS. The SDFP, involved through necessity, played a minor role.<sup>64</sup>

The 1951 General Assembly noted the dismal record of achievement in parks and recreation and in response passed House Joint Resolution 7. The resolution charged the State Planning Commission with providing a report on how the state might undertake a master plan for the future development of its parks. State lawmakers noted that the state owned thousands of acres of attractive scenic land and stated in their resolution that these areas are "totally inadequate" owing to a lack of development, an absence of facilities for well-rounded recreation programs, and poor distribution. Nearly fifty years after the establishment of the Board of For-

<sup>62</sup> Karl Pfeiffer, "Maryland Forests," *Maryland Journal of Natural History*, 14 (1944); *Sun*, February 2, 1945.

<sup>63</sup> *Sun*, April 9, 1946. It is worthwhile to note that for several years there had been hundreds of applications for the state's few cabins; cabins were taken for the entire season before the season even got underway.

<sup>64</sup> "Little Cove Point for Recreation and Demonstration," *Maryland Tidewater News*, 1 (1945); Truitt to McCloskey, January 22, 1945, box 2973, Central Classified Files 1933–49, NA-RG79; 1945 Report with no name; Truitt to Wirth, February 23, 1945, box 2973, Central Classified Files, 1933–49, NARG-79; *Sun*, March 15, 1945; Caldwell to Kennedy, April 6, 1945, O'Connor to Drury, March 5, 1946, box 2973, Central Classified Files 1933–49, NA-RG79; Ammerman to Allen, April 4, 1946, Pasarew to Demaray, March 13, 1946, Allen to Pasarew June 21, 1946, Records Concerning the Recreation-Area Study, Classified Files 1936–47, NA-RG79.

estry with authority over parks and forests, the state had finally realized the extent to which parks had been ignored, neglected, and ultimately defeated.<sup>65</sup>

The foresters who had controlled the board had successfully trumped parks at every turn, driven by a "development is the first principle of conservation" philosophy and by an inability to comprehend a logic that would preserve trees for the sake of parks and recreation. They had resisted a separate and independent park authority, because it might result in large chunks of land transferred to the new authority and to restrictions, even prohibitions, on timber harvests. In 1956, at the fiftieth anniversary of the Board of Forestry, Fred Besley was honored for his service to the state. In his remarks he noted that he was particularly proud that forests and parks had remained under a single management.<sup>66</sup>

### The Last Stand

Perhaps more than anything else a single grove of trees demonstrates how forests trumped parks. The 1940 State Planning Commission recreation report had included a recommendation to change the Herrington Manor area of the Swallow Falls State Forest Reserve—the same area Besley had suggested could become Maryland's "Lake Placid"—from forest reserve to state park and encouraged the transfer of even more land to ensure that clear-cutting in the surrounding area would not affect the proposed park. The land included an extensive grove of virgin oak, which Besley had previously described as a major asset. The SPC report had called for a halt to commercial timbering on all state park lands, but it had been circulated before its September publication. Besley, a member of the study panel, had seen it.

On September 14, 1940, the *Baltimore Sun* reported lumbermen moving through what was believed to be the last big stand of virgin timber in Maryland, a three-hundred-acre grove of oaks in Herrington Manor, many of which were more than three centuries old. "Tall and straight, they are little scarred by the passing of the centuries, and under the canopy of their foliage the woodland lies in perpetual gloom, brightened only here and there by stray splashes of sunlight." One veteran lumberman said, "A man ought to put on a white shirt to cut trees like this." The great white oaks stood in excellent condition, remarkably free from fire scars. The paper noted that state foresters had held out for a premium price for the oaks, believing they were better for something else than "railroad ties or ordinary lumber."<sup>67</sup> Confronted with the transfer of the forest reserve to a state park, the SDF had quietly sold the great white oaks to a Baltimore firm to be turned into staves for whiskey barrels.

With utility threatened, beauty got the ax.

<sup>65</sup> Proceedings of the House of Delegates, House Joint Resolution 7, May 7, 1951.

<sup>66</sup> *Old Line Acorn*, 13 (1956), 4.

<sup>67</sup> "Hundreds of Majestic Oaks in Garrett Fall Prey to Ax," *Sun*, September 14, 1940.

# Maryland History Bibliography, 2004–2005: A Selected List

ANNE S. K. TURKOS and JEFF KORMAN, Compilers

From 1975 on, the *Maryland Historical Magazine* has published regular compilations of books, articles, and doctoral dissertations relating to Maryland history. The following list includes materials published during 2004–2005, as well as earlier works that have been brought to our attention.

Bibliographers must live with the fact that their work is never finished. Please notify us of any significant omissions so that they may be included in the next list. Send additional items to: Anne S. K. Turkos, Archives and Manuscripts Department, 2208E Hornbake Library, University of Maryland, College Park, Md. 20742.

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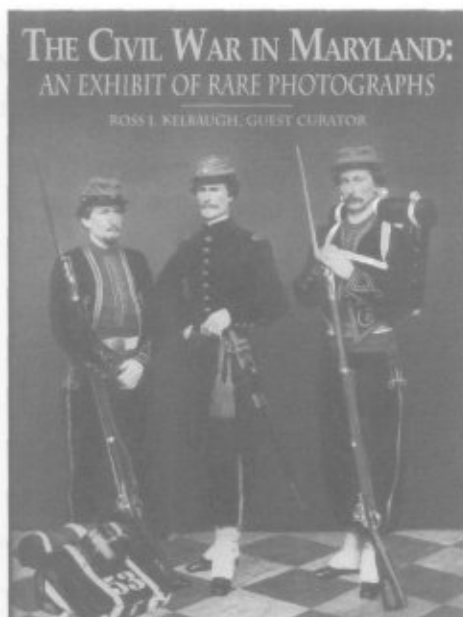
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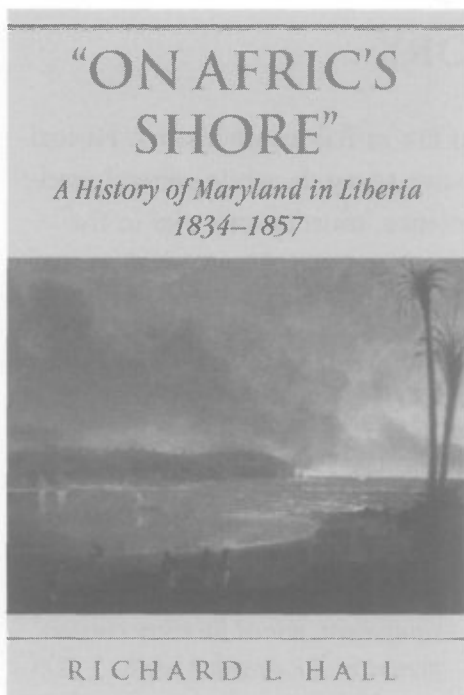
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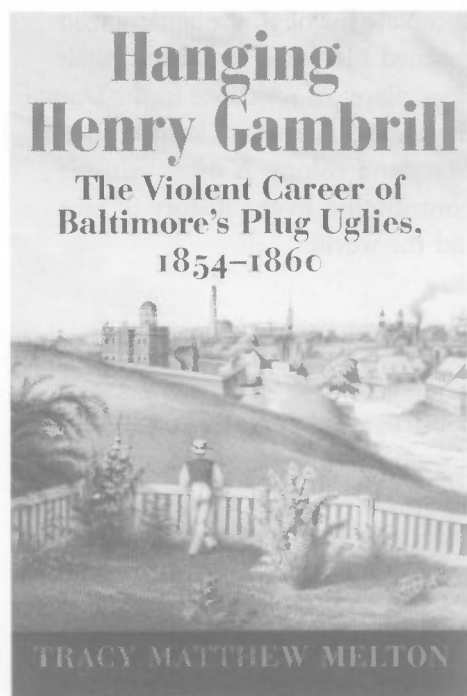
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